

ABSENTEE AUTHORITY

ACROSS MEDIEVAL EUROPE



Edited by Frédérique Lachaud and Michael Penman

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Edited by
Frédérique Lachaud and Michael Penman

THE BOYDELL PRESS

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Abbreviations

AD	Archives Départementales (France)
AN	Archives Nationales de France (Paris)
Beem ed., <i>Royal Minorities</i>	<i>The Royal Minorities of Medieval and Early Modern England</i> , ed. Charles Beem (Basingstoke, 2008)
BIHR	<i>Bulletin of International Historical Research</i>
BL	British Library (London)
BnF	Bibliothèque Nationale de France (Paris)
CCR	<i>Calendar of Close Rolls</i> (1892–)
<i>Chron. Bower</i>	Walter Bower, <i>Scotichronicon</i> , ed. D. E. R. Watt <i>et al.</i> (9 vols, Aberdeen, 1987–99)
<i>Chronica majora</i>	Matthew Paris, <i>Chronica majora</i> , ed. H. R. Luard (7 vols, RS 57, London, 1872–84)
CPR	<i>Calendar of Patent Rolls</i> (1891–)
EHR	<i>English Historical Review</i>
<i>Foedera</i>	<i>Foedera, Conventiones, Litterae et Cuiuscunque Generis Acta Publica</i> , ed. T. Rymer (20 vols, London, 1704–35)
JMH	<i>Journal of Medieval History</i>
MGH	<i>Monumenta Germaniae Historica</i>
NCMH	<i>New Cambridge Medieval History</i>
NRS	National Records of Scotland (Edinburgh)
ODNB	<i>Oxford Dictionary of National Biography</i>
Phillips, <i>Edward II</i>	Seymour Phillips, <i>Edward II</i> (London and New Haven, 2011)
Powicke, <i>King Henry III and the Lord Edward</i>	F. M. Powicke, <i>King Henry III and the Lord Edward: The Community of the Realm in the Thirteenth Century</i> (2 vols, Oxford, 1947)
RPS	<i>The Records of the Parliaments of Scotland to 1707</i> , ed. Keith M. Brown <i>et al.</i> (St Andrews, 2008–), online critical edition at www.rps.ac.uk
RS	Rolls Series

<i>SHR</i>	<i>Scottish Historical Review</i>
<i>TCE</i>	<i>Thirteenth Century England</i> (1985–)
TNA	The National Archives (Kew, London)
Turner and Heiser, <i>Richard Lionheart</i>	Ralph V. Turner and Richard Heiser, <i>The Reign of Richard Lionheart: Ruler of the Angevin Empire, 1189–1199</i> (London, 2000)

Introduction: Absentee Authority across Medieval Europe¹

FRÉDÉRIQUE LACHAUD AND MICHAEL PENMAN

Across medieval Europe, the distinction between authority (*auctoritas* or *dignitas*) and power (*potestas*) was at the heart of the theoretical reflection on powers, most especially in the form of the division between ecclesiastical authority and temporal power, inherited from Pope Gelasius.² An alternative analysis distinguished implicitly between the power and authority held by the prince, and various forms of delegated power: in practice, lords or their representatives exerted power over localities and/or populations, but their legitimacy rested on the authority of a distant prince.³ In the case of kings, the personal nature of kingship raised specific questions about the continuity of authority and the risks created by the king's absence, incapacity or death. The growing separation between the person of the king and the dignity of the Crown may have helped resolve this issue. In England, the Boulogne Agreement of 31 January 1308 is usually considered as the first textual evidence of the clear separation between the Crown and the person of the king.⁴ However, earlier texts had already enhanced the perennial nature of the royal *dignitas*.⁵

In fact, there were many instances when authority of various ranks and forms was absent: through legal minority, vacancy or physical or mental incapacity; under duress (by captivity or exile); or through conscious choice due to a plurality of business commitments or priorities beyond the physical jurisdiction of the individual(s) in power. These absences were experienced in various ways, and prompted a variety of responses. We might, of course, identify common legal principles and customs which evolved over time to respond to such crises or

¹ The authors wish to thank Professor Björn Weiler for his comments and suggestions.

² The letter of Pope Gelasius to Anastasius, dated 494, is reproduced in Jacques-Paul Migne *et al.*, eds, *Patrologia Latina* (217 vols, Paris, 1841–55), lix, col. 42. It distinguishes between the *auctoritas* of the priests and royal *potestas* (*auctoritas sacra pontificum et regalis potestas*).

³ In recent years the discussion of the link between *potestas* and *auctoritas* in temporal powers by Giorgio Agamben has helped to focus the debate on these questions: Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago, 2005), ch. 6.

⁴ The text is edited in J. R. S. Phillips, *Aymer de Valence, Earl of Pembroke, 1307–1324* (Oxford, 1972), pp. 316–17, with background at 25–30.

⁵ Cf. Robert Bartlett, *England under the Norman and Angevin Kings, 1075–1225* (Oxford, 2000), p. 122.

interregna, and to guide the appointment and management of proxy authority in ruling dynasties and governments, national and trans-national institutions (such as characterized both the secular and regular churches), and thus communities small and large (from individual households, families and businesses through wider associations such as guilds and on to towns and city states). However, given the huge variety of experiences across the many kingdoms, lordships and institutions of medieval Europe which have been highlighted by recent collaborative surveys of similar themes – such as hereditary succession or the development of office-holding and representative assembly⁶ – the editors of this present volume chose, quite deliberately, to set no very fixed parameters in inviting contributions which reflected as wide a geographical, socio-political and methodological spectrum as possible. It is not possible here to provide a full survey of all relevant approaches to our central theme as an experience of all levels and estates of society. Nevertheless, it seems necessary, by way of introduction, to present a few general reflections on the issues raised by the question of absent (or absentee) authority, by focusing on the case of the absent king. Most research on the issue of absent authority has so far focused on royal minorities, the incapacity of the king to govern or on the absence of the king due to a military expedition, as well as on remedies for royal absence such as regency. The following pages will therefore trace the main strands of historiography on matters pertaining to absent royal authority.

Interregnum, Minority, Crusade, Captivity, Mental Illness and *rex inutilis*

When a king died, a phase of suspension of powers, or interregnum, could take place. In most cases, this was short: governments usually strove to end this situation of uncertainty as soon as possible. For instance, after the death of King Henry III of England on 16 November 1272, while his son and successor was still in the Holy Land, the interim government took a number of measures to ensure stability. They proclaimed the new king, *in absentia*, and they proclaimed the king's peace and asked all tenants-in-chief to swear an oath of allegiance to Edward I; in official documents sent to the sheriffs, they also justified the succession by invoking heredity and the choice of the 'wealthy men of the kingdom'.⁷ In other instances, this phase of interregnum could be prolonged, often painfully so.

⁶ E.g. *Making and Breaking the Rules: Succession in Medieval Europe, c. 1100–c. 1600*, ed. Frédérique Lachaud and Michael Penman (Turnhout, 2008); *Hiérarchie des pouvoirs, délégation de pouvoir et responsabilité des administrateurs dans l'Antiquité et au Moyen Âge*, ed. Agnès Bérenger and Frédérique Lachaud (Metz, 2012); John Sabapathy, *Offices and Accountability in Medieval England, 1170–1300* (Oxford, 2014), pp. 229–30; *Political Representation: Communities, Ideas and Institutions in Europe (c. 1200–c. 1650)*, ed. Mario Damen, Jelle Haemers and Alastair J. Mann (forthcoming, Turnhout, 2017).

⁷ *Foedera*, I, ii, pp. 124–5, 129; Caroline Burt, *Edward I and the Governance of England, 1272–1307* (Cambridge, 2013), chs 1–2.

In this case, reorganization and a new balance of powers were preliminaries to the emergence of a new holder of authority. In the Holy Roman Empire, however, the so-called 'Interregnum' between the death of Conrad IV in 1254 and the election of Rudolf of Habsburg in 1273 was in fact filled by kings: although Richard of Cornwall spent much of his time in England, he visited Germany, had representatives there and his German subjects turned to his authority.⁸

The dissolution of authority was a political issue. It was also clearly linked to modes of succession: in regions where male primogeniture did not dominate, the death of the king led to a dissolution of power (and sometimes to open conflict) until a new authority figure emerged. The death of a king also raised legal difficulties. Some officers' tenure ended on the death of the king, while others carried on without interruption and did not require validation by the new king. On the succession of Henry III, and in spite of the setting up of government acting in the name of Edward I, some offices were temporarily suspended: this was the case with the Justices in Eyre. Only the judges of the King's Bench were allowed to continue their activity, and the Chancery writs used in courts had to be confirmed on the orders of Edward himself to be considered valid.⁹ Turning to the Continent, in his testament dated 26 May 1354, Peter of Aragon asked that officers still active on the day of his death be allowed to keep their office, in order to facilitate political transition.¹⁰ A similar practice pertained at the Papal Curia: according to the fifteenth-century ceremonial of François de Conzié, on the death of the pope, only those who held temporary charges were to be found in mourning, since those charges lapsed with the passing of the pontiff.¹¹ As for the famous episode reported by the *Bourgeois of Paris*, about the officers of the household of Charles VI who lowered down their signs of office when the king was buried at Saint-Denis on 9 November 1422, this gesture may also have expressed the opposition of the dead king's household to the promotion of John, Duke of Bedford, to the place of Regent (ousting the marginalized Dauphin Charles).¹²

⁸ Björn Weiler, 'Image and Reality in Richard of Cornwall's German Career', *EHR*, 113 (1998), pp. 1111–42, esp. 1118; Michael Toch, 'Welfs, Hohenstaufen and Habsburgs', in D. Abulafia, ed., *NCMH*, V, c. 1198–c. 1300 (Cambridge, 1999), pp. 381–95.

⁹ On this see Burt, *Edward I and the Governance of England*, ch. 5; and Frédérique Lachaud, 'La transmission du pouvoir en Angleterre (1154–1327)', in *La transmission du pouvoir monarchique du Moyen Âge à nos jours: Entre droits et devoirs*, proceedings of the Brussels Conference, Université Saint-Louis, 21 and 22 May 2015 (forthcoming).

¹⁰ Alexandra Beauchamp, 'Régence et continuité de l'œuvre royale: Un testament et des codicilles inédits (1354) de Pierre IV d'Aragon', *Mélanges de la Casa de Velázquez*, 38 (2008), pp. 201–18.

¹¹ Agostino Paravicini Bagliani, 'Le corps du pape et le corps du roi', in Françoise Autrand, Claude Gauvard and Jean-Marie Moeglin, eds, *Saint-Denis et la royauté: Études offertes à Bernard Guenée* (Paris, 1999), pp. 771–82, at 777.

¹² *Journal d'un bourgeois de Paris de 1405 à 1449*, ed. C. Beaune (Paris, 1990), pp. 145–6; for background see R. C. Famiglietti, *Royal Intrigue: Crisis at the Court of Charles VI, 1392–1420* (New York, 1986), ch. 10.

In a similar vein, the validity of the acts delivered by a minor king could be questioned. In medieval England, there were no clear rules concerning the age at which kings came of age. When Richard II acceded to the throne at the age of nine in 1377, he was considered to be exercising power and authority in person.¹³ This was in part a deliberate strategy to offset factionalism and the later revocation of minority grants. Yet it contrasted with the situation of the previous boy king, Henry III, who had also ascended the throne at the age of nine in 1216, but who had exercised power at first under the unprecedented 'Regency' of the veteran William, hereditary Marshal of England. During that period, however (discussed further below), there remained uncertainty about just when Henry would be declared of age and who should succeed William (d. 1219) in the office of Regent, though there seems to have been a consensus that the king would not reach his majority until the age of twenty-one (1228); moreover, some change was expected to take place when the king reached fourteen (1221). There was thus continuing anxiety on the part of those who received royal charters, or who held custodies and offices, during this minority. Finally, in late 1227 the king declared that all charters would from then on be sealed under his own seal; and on 8 January 1228, at a Council summoned by the king in Oxford, he declared himself to be of age.¹⁴

By way of contemporary contrast, in Capetian France protocols for dealing with royal minority seem to have remained even looser. Louis IX succeeded to the throne aged twelve in 1226, with his mother, Blanche of Castile, appointed as Regent by the nobility and with an advisory aristocratic council – an arrangement that most contemporaries regarded as shared rule. It continued well into the Most Christian King's majority, and would be repeated when Blanche was also named Regent during Louis's crusade. Yet in practice, Louis had quietly taken full exercise of power into his own hands *c.* 1234, in his twentieth year.¹⁵ Similarly, in Scotland from 1249, government for the boy king Alexander III, who ascended the throne at the age of seven, was overseen by a broad council of magnates (secular and ecclesiastical), with that body replaced twice in a decade as a result of internal factionalism and external (English) intervention. Alexander took control himself at age twenty-one, in 1262, slightly later than Henry III had managed,

¹³ Gwilym Dodd, 'Richard II and the Fiction of Majority Rule', in Beem, ed., *Royal Minorities*, pp. 103–60; W. Mark Ormrod, 'Coming to Kingship: Boy Kings and the Passage to Power in Fourteenth-Century England', in Nicola F. McDonald and W. Mark Ormrod, eds, *Rites of Passage: Cultures of Transition in the Fourteenth Century* (York, 2004), pp. 31–50.

¹⁴ Powicke, *King Henry III and the Lord Edward*, i, pp. 42–4; David A. Carpenter, *The Minority of Henry III* (London, 1990), pp. 123–4; Christian Hillen and Frank Wiswall, 'The Minority of Henry III in the Context of Europe', in Beem, ed., *Royal Minorities*, pp. 17–66, at 20, 26, 28. See also Nick Barratt, 'Another Fine Mess: Evidence for the Resumption of Exchequer Authority in the Minority of Henry III', in David Crook and Louise J. Wilkinson, eds, *The Growth of Royal Government under Henry III* (Woodbridge, 2015), pp. 149–65.

¹⁵ William Chester Jordan, 'The Capetians from the Death of Philip II to Philip IV', in Abulafia, ed., *NCMH*, V, pp. 279–313, at 284–9. See also Lindy Grant, *Blanche of Castile, Queen of France* (New Haven, 2016).

with the arrangements during his minority having set the precedent for the Scottish Guardians appointed during the major Scottish succession crisis of 1286.¹⁶

The prolonged absence of the king was also a source of anxiety concerning the continuity of authority. This was particularly the case when the king left on military campaigns, including crusade, sometimes for long periods. Crusaders benefited from a general protection, but the king himself being away for several months, or even years, created difficulties, and the prospect of a distant expedition rendered necessary some kind of plan in order to compensate for his absence. In France, this was the case with Louis VII in 1147, with Philip Augustus in 1190, with Louis IX in 1248 and again in 1269, and with Philip III in 1285.¹⁷ In England, some contingency plan was also devised in 1189 when Richard I left on crusade, and in 1270 when the Lord Edward left England to join the crusade, although the measures he took at the time concerned his own demesnes and not the kingdom.¹⁸

Another situation of absence was caused by the king's captivity. This was the case with King Stephen after the battle of Lincoln (1141) and with Richard the Lionheart, who was captured on his way back from crusade in late 1192 and spent more than a year in captivity; Henry III was held captive after the battle of Lewes, and David II (Bruce) of Scotland was captured in battle against England near Durham in 1346 and held in and around London for eleven years. As for King John of France, he was captured at the battle of Poitiers in 1356, and held in London and at other southern English royal residences until 1360 (with a further surrender into captivity c. 1363–4 ceding power to the adult Dauphin, Charles).¹⁹ When freed, kings who had been held captive usually had to take measures to restore their honour and authority, for instance by staging a crown-wearing ceremony or a second coronation.²⁰ Nevertheless, this kind of situation was not dealt with in political literature, unlike in the Muslim world, where the case of the legitimacy of the captive caliph was treated at length by authors such as al-Mawardi.²¹

¹⁶ Grant G. Simpson, 'Kingship in Miniature: A Seal of Minority of Alexander III, 1249–57', in Alexander Grant and Keith Stringer, eds, *Medieval Scotland: Crown, Lordship and Community: Essays in Honour of G. W. S. Barrow* (Edinburgh, 1993), pp. 131–9; also Thilo Offergeld, *Reges pueri. Das Königtum Minderjähriger im frühen Mittelalter* (Hannover, 2001).

¹⁷ Jordan, 'The Capetians from the Death of Philip II to Philip IV', pp. 295–302; see also James L. Naus, *Constructing Kingship: The Capetian Monarchs of France and the Early Crusades* (Manchester, 2016).

¹⁸ Turner and Heiser, *Richard Lionheart*, ch. 5; Christopher Tyerman, *England and the Crusades, 1095–1588* (Chicago, 1988), chs 3 and 5.

¹⁹ Turner and Heiser, *Richard Lionheart*, chs 7–8; Michael Penman, 'The Lion Captive: Scottish Royals as Prisoners of England, c. 1070–c. 1424', *Quaestiones Mediaevi Novae*, 19/1 (2016), pp. 413–34.

²⁰ On the captivity of Richard I and the notion of honour, see Knut Görich, 'Verletzte Ehre, König Richard Löwenherz als Gefangener Kaiser Heinrichs VI', *Historisches Jahrbuch*, 123 (2003), pp. 65–92.

²¹ Al-Mawardi, *The Ordinances of Government: Al-Ahkam As-Sultaniyyah W'at Wilayat Al-Dinniyya*, trans. Wafaa Wahba (Reading, 1996); Louise Marlow, *Counsel for Kings: Wisdom*

The mental illness of a king also created the conditions for a suspension of authority. Among the most famous cases in medieval Europe was that of Charles VI of France, who had succeeded aged eleven – with his uncles the dukes of Burgundy, Anjou, Bourbon and Berry sharing regency powers – and who was intermittently ill from August 1392. His young Bavarian queen, Isabeau, headed up an intermittent regency council, which proved increasingly susceptible to the power machinations of the aforementioned and other regional aristocrats. Similarly, Charles's grandson, Henry VI of England, suffered from an incapacitating mental illness from 1453. In both cases, unrest and civil war were obviously connected with the 'absence' of the king. Under Roman law, a person of property (not necessarily also of authority) proven to be *furiosus* or *fatuus* should have a tutor or guardian appointed, ideally from their cognate kin. Nevertheless, in thirteenth-century England at least, the Crown claimed to have the universal right to wardship and proxy attorney over such individuals. Mental incapacity in elite authority figures, however, was clearly a source of tremendous difficulty, particularly if the individual was anointed or consecrated as was a king or prelate.²² Certainly, no fixed regency contingency was laid in store for Charles VI's repeated breakdowns, either by the king himself when lucid or by the responsible French political community.²³ Richard of York's short Regency or Protectorate for the temporarily incapacitated Henry VI is similarly to be read in the context of the internal power struggles and rival ambitions which on Henry's recovery in late 1454 would spark into the Wars of the Roses, rather than as the application and embellishment of established constitutional principles for dealing with royal infirmity.²⁴

Again by contrast, in fifteenth-century Scotland, in cases of minority, 'idiotry' or 'furiousity', extant royal briefs seem to uphold the absolute rights of cognate relatives or mothers (provided they have not remarried) before agnate heir(s), but the claims of the Crown remain unclear.²⁵ These stated criteria seem to help explain as a matter of alternative principle some of the difficulties which Scottish kings, such as James I (1406–37), had in pre-emptively nominating (foreign) queen consorts as prospective Regents of Scotland, and the difficulties which Scottish political subjects had in accepting them – a striking contrast

and Politics in Tenth-Century Iran, vol. 1: *The Nasihat al-muluk of Pseudo-Mawardi: Contexts and Themes* (Edinburgh, 2016).

²² Irina Metzler, *Fools and Idiots? Intellectual Disability in the Middle Ages* (Manchester, 2016), ch. 1.

²³ Rachel Gibbons, "The limbs fail when the head is removed": Reactions of the Body Politic of France to the Madness of Charles VI (1380–1422), in Sean McGlynn and Elena Woodacre, eds, *The Image and Perception of Monarchy in Medieval and Early Modern Europe* (Newcastle upon Tyne, 2014), pp. 48–70.

²⁴ Ralph A. Griffiths, *The Reign of Henry VI*, 2nd edn (London, 2004), ch. 23.

²⁵ *Scottish Formularies*, ed. A. A. M. Duncan (Edinburgh, 2011), documents E15, E79, TCa 12–16, including briefs for an inquest into a person's sanity and to appoint a curator if of unsound mind, and La57; *RPS*, A1474/5/6; *An Introduction to Scottish Legal History* (Stair Society, Edinburgh, 1958), pp. 125–9.

with the nonetheless sometimes limited proxy authority provided by Duchesses of Burgundy, as discussed below by Michelle Bubenicek. James I of Scotland's English widow, Joan Beaufort, was denied the office even before her remarriage, just as her son James II's relict, Marie of Gueldres, was challenged and displaced from this role between 1460 and her death in 1463.²⁶ In the case of Charles VI, the cyclical return of the king to sanity jeopardized regency government (as did Robert III's apparent rehabilitation in Scotland c. 1390–3 and Henry VI's in England in 1454).²⁷ Nor was it possible to think of long-term solutions in Charles's France, since the king himself took measures to affirm his capacity to govern when he was lucid.²⁸ This also led to contradictory decisions, such as in August 1401, when two letters issued in the king's name gave opposite orders about the Withdrawal of Obedience to the schismatic Avignon papacy. Confused or split authority had also been the result after the capture of King John II on the battlefield of Poitiers. The king went on giving orders which contradicted contingency decisions taken in Paris: the situation became clearer only after the Dauphin Charles took the title of Regent on 14 March 1358.²⁹

A specific case of absence was that of the king deposed by an authority deeming itself superior to him, or by (implicitly) constituent powers. In Canon law, the theory was progressively worked out according to which the pope could release the subjects of a *rex inutilis* from their oath of fealty: in practice this meant deposition.³⁰ The very rumour of King John of England's deposition by the pope in 1209 was enough to provoke rebellion in some territories under the dominion of the Angevin king.³¹ Pope Innocent III's depositions of first King Sverre Sigurdsson of Norway c. 1198–1200, and then of Holy Roman Emperor Otto IV in 1210, followed by the deposition in turn of Otto's successor, Frederick II, in 1245 by his own former curial guardian, Pope Innocent IV, through the Council of Lyons, all illustrate the recognized power of the pope to substitute his

²⁶ Fiona Downie, *She is but a Woman: Queenship in Scotland, 1424–1463* (Edinburgh, 2006), ch. 9.

²⁷ For the chronology of Charles VI's mental crises, see Bernard Guénée, *La folie de Charles VI: Roi bien-aimé* (Paris, 2004), pp. 293–8. For Robert III of Scotland see the paper below by Reid and Penman.

²⁸ In 1393, for instance, the king decided to modify his signature in order to affirm his capacity to govern: Claude Jeay, 'La naissance de la signature dans les cours royale et princières de France (XIV^e–XV^e siècles)', in Michel Zimmermann, ed., *Auctor et auctoritas: Invention et conformisme dans l'écriture médiévale; Actes du colloque de Saint-Quentin-en-Yvelines (14–16 juin 1999)* (Paris, 2001), pp. 457–75, at 464–5.

²⁹ Raymond Cazelles, *Société politique, noblesse et couronne sous Jean le Bon et Charles V* (Geneva, 1982), p. 229–30.

³⁰ On the *rex inutilis*, see the classic study by Edward Peters, *The Shadow King: Rex inutilis in Medieval Law and Literature, 751–1327* (New Haven, 1970), and his studies collected in *Limits of Thought and Power in Medieval Europe* (Aldershot, 2011).

³¹ C. R. Cheney, 'The Alleged Deposition of King John', in R. W. Hunt, W. A. Pantin and R. W. Southern, eds, *Studies in Mediaeval History Presented to F. M. Powicke* (Oxford, 1948), pp. 100–16.

own authority for that of temporal princes.³² Another solution put forward by the pope was the distinction between the holder of authority and the person actually exercising power: this was the aim of the decretal *Grandi non immerito*, also in 1245, which deprived Sancho II of Portugal of the actual exercise of government, which was then given to his brother.³³ But the king retained his title and dignity. The *diffidatio* or withdrawal of allegiance of great subjects also suspended authority. On 3 May 1215, the rebel barons withdrew their homage and fealty to John of England. On 19 June, after the concession of the Great Charter, they renewed their homage. In the case of Edward II, the fiction of abdication was used, but the king was probably deposed by a delegation sent by a parliament which had been summoned without the authorization of the king and in his absence.³⁴

Next to these various cases of suspension of royal authority, there were situations where royal authority was structurally absent. This was, for instance, the case with double kingdoms or with confederations of kingdoms and lands, where the king (or queen) was absent for long periods from some lands under his or her dominion and sometimes never visited them. In such cases authority was delegated to deputies, a process discussed in several of the papers presented in this volume. In central and eastern Europe, in Scandinavia (with the Kalmar Union in 1397), but also in the Empire, in the Iberian Peninsula and in territories under the domination of the Plantagenet kings, the king or emperor was represented by different types of delegated authority, or by some form of alter ego.³⁵ A particular case was that of the apanages in the French kingdom, which were created in order to govern regions which had been attached recently to the royal demesne: in this volume, Tom Horler-Underwood's detailed case study of Normandy, and Léonard Dauphant's survey of evolving French royal itineraries through the fifteenth century, illustrate aspects of these experiences.³⁶ No such arrangement was set up in the Plantagenet dominions, though this may have been what Henry II had in mind when he planned the distribution of his titles among his sons (as did Edward III).³⁷ The resulting ambivalence of delegated

³² Hans Jacob Orning, *Unpredictability and Presence: Norwegian Kingship in the High Middle Ages* (Leiden, 2008), pp. 58–60; Sverre Bagge, *From Viking Stronghold to Christian Kingdom: State Formation in Norway, c. 900–1350* (2010) ch. 3; J. A. Watt, 'The Papacy', in Abulafia, ed., *NCMH*, V, pp. 107–63, at 130–2, 140–3.

³³ Peter Linehan, 'Castile, Portugal and Navarre', in Abulafia, ed., *NCMH*, V, pp. 669–99, at 684–5.

³⁴ Claire Valente, 'The Deposition and Abdication of Edward II', *EHR*, 113 (1998), pp. 852–81.

³⁵ M. Jones, ed., *NCMH*, VI, c. 1300–c. 1415 (Cambridge, 2000), chs 16, 18, 21; C. Allmand, ed., *NCMH*, VII, c. 1415–c. 1500 (Cambridge, 1998), chs 17, 24–6, 28; Vivian Etting, *Queen Margrethe I, 1353–1412, and the Founding of the Nordic Union* (Leiden, 2004), *passim*.

³⁶ Charles T. Wood, *The French Apanages and the Capetian Monarchy* (Harvard, 1970); Michael Jones, 'The Crown and the Provinces in the Fourteenth Century', in David Potter, ed., *France in the Later Middle Ages* (Oxford, 2002), pp. 61–89, at 66–73.

³⁷ W. L. Warren, *Henry II* (London and New Haven, 1973), ch. 15; W. Mark Ormrod, 'Edward III and his Family', *Journal of British Studies*, 26 (1987), pp. 398–422.

regional powers to Plantagenet officers could create difficulty, a reality explored by Frédérique Lachaud's study here of the strained relations between Henry III and Simon de Montfort as his representative in Gascony.

The vacancy of authority following the death of the king sometimes led to unrest. After the death of Henry III, there may have been troubles in London: peace was proclaimed on the day after the death of the king and then again on the day his body was laid to rest in Westminster Abbey, and the sheriffs received the order in the name of the new king to proclaim the peace in the shires. The anxious tone of the letters sent by members of the government to Edward I on 23 November 1272 may express some difficulties relating to public order,³⁸ and historians are divided on the capacity of the English government to maintain peace during this period.³⁹ Even when the new king was present, however, succession was not necessarily peaceful, as is suggested by the unrest that marked the accession of Richard the Lionheart.⁴⁰

Ireland is another specific case of absentee authority, that of the king but also that of the barons. The project of turning Ireland into a separate kingdom under royal control may have been considered twice by Henry II: in 1155 (to the benefit of his brother William Fitzempress) and again in 1177, for his younger son John. However, the project was not put into practice, and with the accession of John to the English throne Ireland was absorbed into the English kingdom. In 1254, Henry III conceded Ireland to his eldest son but prevented any alienation from the English Crown. In 1272, when Edward acceded to the throne, there was again a union between England and Ireland. This meant that the person of the king was the institutional connection between England and Ireland: in practice, however, the English king rarely visited Ireland. This absenteeism was paralleled by that of the Anglo-Irish barons, but for a long time this was counterbalanced by efficient administration under an appointee Justiciar or Lieutenant (intermittently a person of royal blood).⁴¹

In the case of Scotland, the consequences of the dissolution of royal authority are stressed in the writing of Abbot Walter Bower. Born in the prosperous royal market and shrial burgh of Haddington in Mid-Lothian in 1385, an early

³⁸ *Foedera*, I, ii, pp. 124–5.

³⁹ See Richard Huscroft, 'Robert Burnell and the Government of England, 1270–1274', in Michael Prestwich, Robert Britnell and Robin Frame, eds, *TCE*, 8 (Woodbridge, 2001), pp. 59–70, at 59.

⁴⁰ Turner and Heiser, *Richard Lionheart*, ch. 5.

⁴¹ Robin Frame, *Colonial Ireland, 1169–1369*, 2nd edn (Dublin, 2012); Sean Duffy, 'Henry II and England's Insular Neighbours', in Christopher Harper-Bill and Nicholas Vincent, eds, *Henry II: New Interpretations* (Woodbridge, 2007), pp. 129–53. In her study of the historiography of lordly absenteeism in Ireland, Beth Hartland has stressed the necessity of distinguishing absenteeism in Ireland from the abandonment of lands in the march between Gaelic and Anglo-Irish lordships, and she suggests that the matter of absenteeism as such was not raised before the 1360s: 'Absenteeism: The Chronology of a Concept', in Björn Weiler, Janet Burton, Philipp Schofield and Karen Stöber, eds, *TCE*, 11 (Woodbridge, 2007), pp. 215–29.

graduate of the University of St Andrews, and abbot of the Augustinian island house of Inchcolm in the river Forth, Bower was also later in life a Latin chronicler, completing his multi-book *Scotichronicon* in the 1440s. His great history, primed as a mirror of princes for the boy king James II of Scotland (1437–60), following the murder of his father, James I (1406–37), not only continued the work of earlier clerical annalists but also reflected Bower's intense personal experiences of uncertain political authority and internal strife in the Scottish realm across several decades. Little wonder, then, that Bower had cause to reflect bitterly on several occasions in his history on the cost of absentee royal and superior authority, paraphrasing the Latin *Book of Proverbs* of the theologian Alan of Lille (d. 1203) to lament that:

a great deal of dissension, strife and brawling [occurred] among the magnates and leading men, because the king, being bodily infirm, had no grip anywhere [...] therefore in the absence of fear [...] under a slack shepherd the wolf fouls the wool, and the flock is torn to pieces [...]

Later he observes that 'While the grass grows, the calf is weak', both reflections made amid extended passages cursing the violent breakdown of law and order during royal minority.⁴² The misfortunes which befell loyal subjects when the Crown was not resident and active is a theme surveyed below by Léonard Dauphant in regard to public reactions to French royal absence from the Paris basin in the fifteenth century (and its 'sublimation' by Valois government).

However, despite his legal training and awareness of the growing and cross-pollinating conciliar ethos in church and secular governance, and despite (or perhaps because of) his various offices, Bower's writing – as with that of many late medieval authors of chronicles or political treatises – really dwelt *only* upon such general and moral consequences of absentee elite authority, rather than upon the formative legal, constitutional or cultural origins, principles, symbols or evolution of the proxy offices and officers designed to compensate for deficient ruling power. Indeed, as with many of the contemporary Scottish record sources, Bower does not deal directly with the selection processes, extent of powers, conditions of oversight and accountability, traditions and innovations, rituals, materiality, iconography and cultural engagement of successive Lieutenancies and Regencies in Scotland, or on how they in fact differed or changed with circumstance. Moreover, as a chronicler of elite affairs and war, his interest in and detail about absentee and proxy authority at lower socio-political levels extends only to predictable and passing comment on some contested ecclesiastical vacancies caused by the death or infirmity of benefice holders. In sum, his history offers no really detailed insight into how repeated reversion to proxy royal authority for Scotland – really

⁴² *Chron. Bower*, viii, 63, pp. 217–19, and ix, chs 21–5. This is as close as Bower comes to that well-known, oft-cited biblical passage from Ecclesiastes 10:16: 'Woe is the land where the king is a child, for there never peace nor justice reigned', for which see Beem, ed., *Royal Minorities*, Introduction and Conclusion.

across two centuries after the succession crisis and wars of c. 1286–1357 – may in turn have influenced responses to absentee authority in a noble, ecclesiastical, urban or even familial context. Overall, Bower's work tends to confirm the more usual, universally negative view across Europe of absentee authority and regency in particular. This is arguably disappointing for those trying to assess the Scottish late medieval experience in a wider European context, given that Bower had undeniably witnessed events which really began to blur and recast the boundaries between monarchical (or 'superior'), legal and emerging constitutional responses to absentee authority in all its forms – temporary (as during a legal minority or vacancy), enforced (most obviously during captivity), or voluntary (say, during an acknowledged infirmity, tenure of a plurality of offices or service abroad, usually for war).

Thus it remains for historians to adopt a range of alternative approaches and source types to investigate the wider, deeper, 'lesser', material, symbolic or even synaesthetic experience of absentee authorities. The varied papers presented here all make strong cases for such methodologies: James Bothwell, comparing absence through elite internal and external exiles from the English kingdom; Bruno Dumézil, exploring Merovingian histories and symbolism; Laurent Hablot, surveying the evolution of heraldry and its associated materials and meanings; Torsten Hiltmann, reassessing the parallel creation of 'kings' of certain professional bodies in France; Robert Houghton, revealing the challenges to absentee episcopal authority in urban Parma; Olivier de Laborderie, analysing changes in Anglo-Norman genealogical writing; and Hans Jacob Orning, discovering the allegorical riches of saga writing as mirrors of later medieval political concerns and absentee authority in Iceland.

Counterbalancing Absent Royal Authority

Specific steps could be taken to compensate for the absence of the king. In the absence of set rules of succession, the appointment of a successor in the lifetime of the previous incumbent – the *tánaiste* in Ireland and Scotland – could usually prevent disorder. In cases where prolonged absence was considered, the prince could set up a government to replace him, whether a proper regency – although this term came into widespread use only in the later Middle Ages⁴³ – or a more informal body of advisers.⁴⁴ In February 1147, at the assembly of Étampes, Abbot Suger and Guillaume II of Nevers were nominated to act as Regents of the kingdom of France in the absence of Louis VII, who was about

⁴³ For example, in French, the earliest mention of the title of 'Regent', from the Latin *regens*, dates from 1316: Élie Berger, 'Le titre de régent dans les actes de la Chancellerie royale', *Bibliothèque de l'École des Chartes*, 61 (1900), pp. 413–25.

⁴⁴ One of the most spectacular cases is that of Peter IV of Aragon, who devised regency measures in eight different testaments between 1354 and 1385 (probably in addition to other testaments). This is explained by the fact that these were all *ad hoc* measures. See Beauchamp, 'Régence et continuité de l'œuvre royale', *passim*.

to leave for the Holy Land. Guillaume turned down this nomination, and Abbot Suger declared that the Church – and therefore the pope – was responsible for the kingdom. Eugenius III thus received the ‘tutorship of the kingdom of the Franks’ and invested Suger with it, while two co-Regents were nominated by the king, Samson de Mauvoisin, Archbishop of Reims, and the *sénéchal* Raoul de Vermandois. In practice, however, Suger governed the kingdom for two years, in particular in the ecclesiastical field, and merged the peace of God and the peace of the kingdom.⁴⁵ His biographer depicts him fighting the enemies of the king by using the two swords, governing the kingdom as a good *paterfamilias*, acting so that the honour of the kingdom would not diminish because of the king’s absence.⁴⁶ And, of course, Suger at Saint-Denis initiated his own vital strand of what would emerge as France’s great historiographical project, that of wedding the authority of sacral dynasty, Crown, realm and Church as a present power and for posterity.⁴⁷

Planning to leave on crusade, Philip Augustus also took steps to counter the difficulties that could arise from his absence. The famous ‘testament of Philip Augustus’ (June 1190) is a text establishing a government in the absence of the king, but it also contains testamentary clauses.⁴⁸ The text probably circulated among the great nobles and prelates of the kingdom and the main royal agents, and may have been thought of as the means to control events. As John Baldwin has shown, the result of the decisions taken by the king was the informal regency of his mother, Adèle de Champagne, and of Adèle’s brother, Guillaume aux Blanches-Mains, Archbishop of Reims.⁴⁹ Some measures taken in 1190 were not meant to last, but the ones which had strong reforming overtones survived the king’s return, such as the provision whereby *baillis* had to report three times a year the crimes or injustices committed by the *prévôts*.

⁴⁵ On the regency set up in 1147, see Yves Sassier, *Louis VII* (Paris, 1991), pp. 159–61, and Michel Bur, *Suger, abbé de Saint-Denis, régent de France* (Paris, 1991), pp. 271–2; Suger, *Œuvres*, t. II, ed. Françoise Gasparri (Paris, 2001), p. 333.

⁴⁶ *Ibid.*, p. 337.

⁴⁷ Gabrielle M. Spiegel, *The Chronicle Tradition of Saint-Denis: A Survey* (New York, 1978); Lindy Grant, *Abbot Suger of St-Denis: Church and State in Early Twelfth-Century France* (London, 1998). For a study of medieval national historiography elsewhere, see Zbigniew Dalewski, *Ritual and Politics: Writing the History of a Dynastic Conflict in Medieval Poland* (Leiden, 2008).

⁴⁸ The text was recorded by Rigord: *Histoire de Philippe Auguste*, ed. Élisabeth Carpentier, Georges Pon and Yves Chauvin (Paris, 2006), pp. 276–84; *Recueil des Actes de Philippe Auguste, roi de France*, t. I: *Années du règne I à XIV (1er novembre 1179–31 octobre 1194)*, ed. H.-Fr. Delaborde and É. Berger (Paris, 1916), no. 345, pp. 416–20.

⁴⁹ The preamble of the ordinance only mentions the way the business of the kingdom will be administered in the absence of the king: ‘Quoniam igitur summo desiderio votum peregrinationis nostre ad Sancte Terre subventionem totis viribus amplectimur, idcirco consilio Altissimi ordinare decrevimus qualiter, in absentia nostra, regni negotia que agenda erunt, tractari debeant, et vite nostre, si quid in via humanitus accideret, extrema disponi.’ The ordinance is analysed in John F. Baldwin, *The Government of Philip Augustus: Foundations of French Royal Power in the Middle Ages* (Berkeley, 1986), pp. 102–4 and *passim*.

In 1248, when about to depart on crusade, Louis IX took measures of a different kind. As aforementioned, he chose effectively to leave government in the hands of his mother, Blanche of Castile. His departure was preceded by a number of ceremonial gestures which were meant to bestow divine favour on the French kingdom, such as the king's tour of the royal domain at the beginning of 1248.⁵⁰ Letters dated at Corbeil in June defined Blanche's powers: Louis gave her *plena potestas* to deal with the kingdom's business.⁵¹ But on Blanche's death in November 1252, government was in disarray. The titular regent was the young Louis, then aged ten, but in reality power lay in the hands of a regency council made up of prelates to whom Blanche had turned for advice, and whom the king had appointed before his departure.⁵² The place given to the prelates seems to have irritated the nobles, who at some stage thought of Simon de Montfort to take over as Regent. Only the return of the king could ease the situation.⁵³ In March 1270, Louis IX took some new measures before leaving again on crusade: this time he entrusted the government of the kingdom to the abbot of Saint-Denis, Mathieu de Vendôme, and Simon de Clermont, seigneur of Nesle.⁵⁴ The seal he gave them carried a representation of the king's crown and the legend S. LUDOVICI DEI G. FRANCOR. REG. IN PARTIBUS TRANSMARINIS AGENTIS ('Seal of Louis by the grace of God king of the French, being overseas'). The conferment of benefices, prebends and ecclesiastical dignities in the hands of the king was delegated separately to the bishop of Paris, Étienne Tempier. These three men were also those whom the king invested with the execution of his will.⁵⁵

In some cases of regency, there was a deliberate separation between the person of the royal ward on the one hand, and his responsibilities, lands and goods on the other. To avoid temptation and also facilitate oversight, the regency was arranged so that one party received control of the responsibilities and resources of government policy, while another had physical custody and tutelage of the minor king. In the case of Scotland, surveyed below by Norman Reid and Michael Penman, there were three rival periods of governance by a royal 'Lieutenant', a prince of the blood appointed by the political community to act in lieu of successive kings – Robert II (1371–90) and Robert III (1390–1406) – declared too old or infirm to perform the duties of their office. This was then followed by the eighteen-year captivity in England of James I, at first as a minor, a state of affairs

⁵⁰ William Chester Jordan, *Louis IX and the Challenge of the Crusade: A Study in Rulership* (Princeton, 1979), pp. 105–6.

⁵¹ *Ordonnances des rois de France de la troisième race*, vol. 1, ed. Eusèbe de Laurière (Paris, 1723), pp. 60–1.

⁵² Jordan, *Louis IX and the Challenge of the Crusade*, pp. 116–17.

⁵³ See also Jean Richard, *Saint Louis: Roi d'une France féodale, soutien de la Terre Sainte* (Paris, 1983), p. 259.

⁵⁴ *Layettes du Trésor des Chartes*, t. IV, no. 5663 (Paris, March 1270).

⁵⁵ *Ibid.*, no. 5664; Richard, *Saint Louis*, p. 554. When Philip III left for Aragon in 1285 he also took steps to arrange for the regency of the kingdom.

which necessitated the appointment of a 'Regent' by the community: again this was a prince of the blood, James's uncle and heir presumptive, Robert Stewart, Duke of Albany (d. 1420). Abbot Bower recalled him as Scotland's 'governor', a lord who also oversaw the first sustained period of Scottish military service on the Continent, c. 1419–24, during which several regional magnates (and thus Crown officers) were absent on prolonged campaign. James I's violent death in 1437 would, in turn, deny that king the opportunity to designate a guardian for his heir and realm; his death prompted another 'Lieutenancy', on this occasion one appointed by parliament, and with a time-limited tenure. Indeed, the three estates chose a leading regional magnate (really the most powerful), who could also claim cognate kinship with the minor monarch (as his mother was the new king's aunt), namely Archibald, fifth Earl of Douglas and Duke of Touraine (d. 1439). Yet Douglas was not granted, or did not seek, physical custody of the child king – that responsibility fell to the Queen Mother, *until* she chose to remarry into a baronial line. Douglas, though, did not live long and he was, tellingly, not succeeded by anyone in his office, as the realm descended into a civil war in which Bower and his monastic lands suffered much (as did the Queen Mother). For Bower, all of this had been underscored, too, by the strains of the first great 'western' Papal Schism (1378–1418) and by a short but violent vacancy c. 1400–2 in the see of his ecclesiastical superior and Scotland's senior prelate, the bishopric of St Andrews.⁵⁶ Bower must even have had his own experience of absenteeism, as his public service as a regular parliamentarian and as a key Crown financial minister for James I would have taken him away from his duties as abbot of Inchcolm, responsibilities which must have fallen in turn on his officials and fellow monks.

The history of medieval administration and institutions must also take into account the will and personal ambitions of the men who filled offices.⁵⁷ Elsewhere across Europe, administrative institutions also worked towards making up for the physical absence of the king. The letters of the prince, authenticated by his seal, his procurators, his ambassadors and envoys, deputies and officers, helped represent absent authority. Officials representing superior powers also needed to have the political and social stature to fulfil their duties. The modest origins of Guérin de Glapion, for instance, may explain his short time in office as seneschal of Normandy in 1200–1: King John had to remind the knights who had refused to answer the summons of the seneschal that 'those who do not obey the seneschal,

⁵⁶ *A Companion to the Great Western Schism (1378–1417)*, ed. Thomas M. Izbicki and Joelle Rollo-Koster (Leiden, 2014); *Chron. Bower*, ix, 316–64; Michael H. Brown, 'Vile Times: Walter Bower's Last Book and the Minority of James II', *SHR*, 79 (2000), pp. 165–88.

⁵⁷ See Jeannine Quillet, 'Community, Counsel and Representation', in J. H. Burns, ed., *The Cambridge History of Medieval Political Thought*, c. 350–c. 1450 (Cambridge, 1988), pp. 520–72, at 554–60 ['Representation and delegation']. See also *Medieval and Early Modern Representations of Authority in Scotland and the British Isles*, ed. Katherine Buchanan, Lucy Dean and Michael Penman (Abingdon, 2016).

despise the order of the king'.⁵⁸ Obedience to the representatives of the king, the idea of hierarchy and the possibility of appealing to the distant king also contributed to the stability of the kingdom when the king was absent or far away. The figurative representation of the king by a statue, a painted portrait, a shield, his seal or his signature were all means to project and sustain his authority (a theme compellingly explored by Léonard Dauphant below). Literary fictions also played a role in this process of representation, such as the fiction of the body politic, which was largely diffused through a number of textual traditions, including the famous 'Instruction of Trajan' in John of Salisbury's *Policraticus* (c. 1159).⁵⁹ The idea of the king as tutor of his people was another fiction that suggested the symbolic 'presence' of kingship.⁶⁰ The fiction of the ship was also used to refer to continuity of authority. Facing Conrad II in 1025 after the destruction of the royal palace in Pavia, the Italian envoys claimed that at the time of the destruction there was no king and therefore no royal palace. According to the chronicler Wipo of Burgundy, the reply of Conrad was that if the king dies, the kingdom is like a ship: it remains even when its pilot falls.⁶¹

The necessity of the physical presence of the king, however, was demonstrated by a number of rituals, such as the king's touring of his kingdom, or royal entries into towns.⁶² We may consider in this light the legal fiction of the 'two bodies' of the king (the natural body and the mystic body, or body politic), highlighted by Ernst Kantorowicz.⁶³ One may thus interpret the odd ritual used by the English

⁵⁸ '[...] manifestum est quod qui senescallum non obediunt, mandatum domini contempnunt': D. J. Power, 'Guérin de Glapion, Seneschal of Normandy (1200–1): Service and Ambition under the Plantagenet and Capetian Kings', in Nicholas Vincent, ed., *Records, Administration and Aristocratic Society in the Anglo-Norman Realm: Papers Commemorating the 800th Anniversary of King John's Loss of Normandy* (Woodbridge, 2009), pp. 153–92, at 167.

⁵⁹ See the contributions in *A Companion to John of Salisbury*, ed. Christophe Grellard and Frédérique Lachaud (Leiden, 2015); and Frédérique Lachaud, 'Corps du prince, corps de la res publica: Écriture métaphorique et construction politique dans le *Policraticus* de Jean de Salisbury', in *Le corps du prince = Micrologus: Nature, Sciences and Medieval Societies*, 22 (2014), pp. 171–99.

⁶⁰ John of Salisbury, *Policraticus* V, 7, ed. C. C. J. Webb (2 vols, Oxford, 1909), i, p. 309.

⁶¹ *MGH SS*, 11 (1854), p. 263 ('Si rex perit, regnum remansit, sicut navis remanet cuius gubernator cadit'); cf. the commentary in Herwig Wolfram, *Conrad II, 990–1039: Emperor of Three Kingdoms*, trans. Denise A. Kaiser (University Park, PA, 2006), p. 63.

⁶² Malcolm Vale, *The Princely Court: Medieval Courts and Culture in North-West Europe, 1270–1380* (Oxford, 2001), esp. ch. 4; *Dialogus de Scaccario, and Constitutio Domus Regis: The Dialogue of the Exchequer, and The Disposition of the Royal Household*, ed. Stephen D. Church (Oxford, 2007), pp. xxxviii–lxvii and 195–216; Gordon Kipling, *Enter the King: Theatre, Liturgy, and Ritual in the Medieval Civic Triumph* (Oxford, 1998).

⁶³ Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton, 1957; 2nd edn, 1997, with a preface by William Chester Jordan). For criticisms of Kantorowicz's construct, see for instance Alain Boureau, *Le simple corps du roi: L'impossible sacralité des souverains français XVe–XVIIIe siècle* (Paris, 1988); Boureau, *Histoires d'un historien: Kantorowicz* (Paris, 1990); Elizabeth Brown, 'The French Royal Funeral Ceremony and the King's Two Bodies: Ernst H. Kantorowicz, Ralph E. Giesey and the Construction of a Paradigm', in *Le Corps du prince*, pp. 105–37.

government in the absence of Edward I on 23 November 1272: the oath of fealty was given to the new king while the coffin containing the corpse of Henry III was still open.⁶⁴ This seems to imply that some form of physical presence was deemed necessary on this occasion: obviously the concept of the perennial Crown was not enough to make the succession go smoothly.

Where was Authority Located?

The location of authority was a central issue in theoretical texts. God was often invoked as the ultimate source of authority, whether the king was the image of God or whether his power derived from God, unless the Church was the intermediary between God and king. For Ptolemy of Lucca (c. 1236–c. 1327), in his continuation of the *De regno* of Thomas Aquinas (d. 1274), all power is legitimate since it comes from God; if virtuous persons are placed at the head of a multitude and if they accomplish correctly their duties and govern the people by obeying the laws, it seems that God Himself directs them, and they seem to act on earth in the place of God.⁶⁵ Paradoxically, measures taken on the eve of the king's departure on crusade, or when the king was absent or unable to fulfil his role, led to clarification of the very nature of this authority. The 'Testament' of Philip Augustus, for instance, shows that the correction of officers was considered to belong exclusively to the king. In the case of the Church, reflection on representation and a better definition of papal power went hand in hand. In fact it was difficult to represent badly defined powers: this issue was raised in particular for collective governments such as Italian communes.⁶⁶

When there was no king, the pope, an interim government or the guardians of the kingdom could take legitimate measures to make sure authority did not disappear completely. Authority could be claimed by assemblies or groups representing the political community of the kingdom. The evolving supervisory powers of representative assembly in many realms and institutions surely had the greatest impact on the development of the language, criteria and mechanisms for selection and accountability of proxy officers of all ranks, from royal Regents/Protectors and Lieutenants, through papal legates, regional governors and deputy Crown officers, bishops and abbots elect,⁶⁷ propertied familial tutors and 'acting' burgh magistrates. One of the approaches to regency and the absence of adult royal rule identified by Elizabethan officials in 1568 was election of such

⁶⁴ *Foedera*, I, ii, pp. 124–5.

⁶⁵ Thomas Aquinas [and Ptolemy of Lucca], *De regno*, III, 5, ed. J. Mathis, *De regimine principum ad regem Cypri et De regimine Judaeorum ad ducissam Brabantiae*, 2nd edn (Rome, 1949), p. 43.

⁶⁶ See Patrick Gilli, 'La fonction d'ambassadeurs dans les traités juridiques italiens du XV^e siècle: L'impossible représentation', *Mélanges de l'École Française de Rome: Moyen Âge*, 121 (2009), pp. 173–87.

⁶⁷ See the classic study, Robert L. Benson, *The Bishop Elect: A Study in Medieval Ecclesiastical Office* (Princeton, 1968).

an officer by the estates, or a representative council of that political community in parliament, the latter a body to whom the Regent was to remain accountable.⁶⁸ This example highlights the growing and evolving role for supervisory collective powers (top-down as well as more commonly bottom-up) to cut across and increasingly challenge the aforementioned rights of superior delegation or – in cases of secular vacancy – hereditary succession to act as proxy authority. In England, most famously, the estates in parliament in 1422 reversed Henry V's death-bed delegation of his youngest brother, the duke of Gloucester, as Regent for the nine-month-old Henry VI, instead recalling the minor king's elder agnate uncle, the duke of Bedford, from his military role in France to serve as Protector supported by a select Council. This came in the wake of both the conciliar crisis in the Church and a dynastic coup in England underpinned by constitutional revolt against perceived abuse of royal authority.⁶⁹

Conciliar (s)election of a procurator in the absence of an adult monarch, however, may be identified in earlier centuries, if without consistent application by communities and institutions, hinting at the need for contemporaries to respond to such crises in a flexible case-by-case manner. For example, the aforementioned choice of William the hereditary Marshal of England (d. 1219) as 'Regent' for the boy king Henry III in 1216 was a choice at least debated by the political community for almost two weeks; nor was William able or willing to name his own successor, with responsibilities at first passing to an uneasy triumvirate of officers and then to the more traditional incumbent of the Royal Justiciar until 1234.⁷⁰ The Marshal's brief and unrepeated office in England, however, raises a further way in which the wider community of a polity or institution could seek to determine and monitor absentee or proxy authority – and, by constitutional extension, the full authority when the individual in question was of age/returned/restored: that is, by judging not only who had a right in law to act in authority, but also who was at the same time 'worthy' of such power and trust.

As Amy Blakeway has pointed out in her recent study of the office of 'Regent' in sixteenth-century Scotland, the contemporary English Crown and its ministers were also able to reflect upon rival currents.⁷¹ She cites the statement on the historical nature of regency in Scotland drawn up under the supervision of Elizabethan arbitrators in 1568, at the so-called York–Westminster conferences.⁷²

⁶⁸ See below, n. 72.

⁶⁹ Ralph A. Griffiths, 'The Minority of Henry VI, King of England and France', in Beem, ed., *Royal Minorities*, pp. 161–94, at 161–5.

⁷⁰ J. K. Roskell, 'The Office and Dignity of Protector of England', *EHR*, 68 (1953), pp. 193–233; F. J. West, *The Justiciarship in England, 1066–1232* (Cambridge, 1966), p. 129; Hillen and Wiswall, 'The Minority of Henry III in the Context of Europe', pp. 20, 26, 28; Carpenter, *Minority of Henry III*, chs 3–7.

⁷¹ Amy Blakeway, *Regency in Sixteenth-Century Scotland* (Woodbridge, 2015), pp. 1–40.

⁷² Hatfield House [Herts.], Cecil Papers, vol. 138, fol. 54; NRS, GD149/265, fols 65–6 ('Raisons for and against the fre Electioun to the Guvernement During the Les age of Princis'), and GD149/265, fols 67–8 ('Anent ye electioun of ane regent during ye princis les age').

Broadly, these briefing papers highlighted the monarchical prerogative of delegation of office in anticipation of a royal death, something Abbot Walter Bower, too, writing in the 1440s, was aware of for Scotland in the form of acts of royal agnate succession of 1315, 1318 and 1326, sealed and sworn to by subjects in parliament, but which also named likely noble guardians for minor kings and had been crucial to stabilizing the inheritance of Robert II and III as the first Stewart monarchs (through further royal acts sealed in parliament of 1371 and 1373).

The post-Reformation Westminster source of 1568 nonetheless seemed to place far more stock in the legal rights of hereditary succession, guided by Roman law. Under these principles a 'Regent' might claim office through cognate kinship with a minor or indisposed monarch, ideally superseding the appointment of any agnate heir presumptive to the position of direct guardianship. These were the same tenets which determined the appointment of a tutor, 'curator' or guardian in private law for lesser subjects in both cases of succession/inheritance and *physical* disability.⁷³ Such a firm principle, combined with the royal will, saw kings' widows as Queen Mothers often appointed as Regents both for the duration of legal minorities and during periods of elective royal absence by kings grown to majority in a number of realms: most famously in France when Louis IX appointed his mother, Blanche of Castile, as Regent while he took up the Cross, or in Aragon where successive queen consorts deputized for ill, minor, pluralist, or warring kings.⁷⁴ Regencies clearly raised the issue of the devolution of power according to gender: in England and France there was no open discussion about the possibility of female succession, but female regency was possible. Male power could be represented by a woman, though there was no accession of a woman to the throne, and in the case of France no succession right through the female line, first in practice, then in theory as well.⁷⁵

Absence could not last, however, without jeopardizing the continuity of power and authority. In the case of kingship, authority was located in the person of the king himself. In particular instances the presence of the king was a necessity: most notably, when tenants-in-chief gave homage to the king, or when embassies had

⁷³ Irina Metzler, *A Social History of Disability in the Middle Ages: Cultural Considerations of Physical Impairment* (London, 2013); Wendy J. Turner, 'Defining Mental Afflictions in Medieval English Administrative Records', in Cory J. Rushton, ed., *Disability and Medieval Law: History, Literature, Society* (Cambridge, 2013), pp. 134–59, at 147, n. 7.

⁷⁴ Hillen and Wiswall, 'The Minority of Henry III', pp. 41–3; Zita E. Rohr, 'The Practice of Political Motherhood in Late Medieval France: Yolande of Aragon, Bonne Mère of France', in McGlynn and Woodacre, eds, *Image and Perception*, pp. 23–47. See also Elena Woodacre, *The Queens Regnant of Navarre: Succession, Politics and Partnership, 1274–1512* (London, 2013).

⁷⁵ Craig Taylor, 'The Salic Law and the Valois Succession to the French Crown', *French History*, 15/4 (2001), pp. 358–77; Éliane Viennot, *La France, les femmes et le pouvoir: L'invention de la loi salique (Ve–XVIe siècle)* (Paris, 2006).

to be received. A number of important decisions and arbitrations also required the physical presence of the king.⁷⁶ In the absence of Edward I, for instance, the government could not deal properly with major problems such as rebellion in Wales or the conflict in Flanders.⁷⁷ The question of the physical presence of the king also played a role in political debates. Political tensions about the summons for parliament in England and discussions about the possibility of parliament being held outside the king's presence are indicative of the significance of the political role of the king in person, as well as the link between the exercise of grace by the king and his physical presence.⁷⁸ The person of an able king was a necessary component in politics; short of that, there had to be some other form of royal presence.

The evident inability in the medieval West to elaborate a sophisticated advice literature for the delegation of temporal power, in contrast to what happened in the Muslim world, for instance, suggests that presence was a very necessary component of kingship. Kingship was always incarnated and rested on the notion of direct access to the person of the king, a reality which stood in opposition to that of the caliphate, where the person of the caliph was often hidden from sight. This may also help to explain the difficulty of establishing a hierarchy of temporal power in the medieval West, contrary to what happened in the Church. The king had to be physically present and not only symbolically present. The throne was not empty: the royal presence always needed to be felt. Looking at all aspects of absence and presence of authority may therefore enable historians to get a better understanding of the nature of medieval power.

⁷⁶ Guenée, *La folie de Charles VI*, p. 201.

⁷⁷ Huscroft, 'Robert Burnell and the Government of England', pp. 66–7.

⁷⁸ See Phil Bradford, 'A Silent Presence: The English King in Parliament in the Fourteenth Century', *Historical Review*, 84 (2011), pp. 189–211.

Incarnating Authority, Exercising Authority: The Figure of the King in the Merovingian Era

BRUNO DUMÉZIL

On the death of Theuderic IV in 737, the Mayor of the Palace, Charles Martel (c. 688–741), took the decision not to nominate a new king of France. The vacancy lasted six years: Pippin the Short and Carloman, the sons of Charles, eventually reinstated a Merovingian on the throne.¹ For a long time, this interregnum has been analysed in terms of the rising power of the Pippinides – and probably quite rightly so. Yet it has also been seen as proof of the marked weakness of the monarchy. This is more doubtful: in reality, instead of interpreting this episode in the light of the Carolingian rise, one may replace it in the context of the political practices which had been in use since the beginnings of the Frankish settlement in Gaul.

The idea of an ancestral ‘Germanic kingship’ resting on a warlike sacredness and endowed with limited political attributes is probably best placed alongside the myths of historiography.² In fact the Merovingian world had inherited most of its governing traditions from Rome. In the late imperial period, the *auctoritas* represented the plenitude of sovereign power, such as the issue of rights, the monopoly of gold coinage, the control of diplomacy and the control of religious cults. This authority was the preserve of the *princeps*, while judicial and military powers could be delegated to agents.³ If one is to give any credence to the rare royal edicts that have been preserved, this conception of kingly power did not undergo any significant transformation between the fifth and the early eighth centuries. The *auctoritas* was normally reserved to the sovereign only. One did not think of palatine and territorial offices in terms other than temporary and revocable delegations of power.⁴

¹ On the context and the chronology see I. N. Wood, *The Merovingian Kingdoms* (London, 1994), pp. 290–1; A. J. Stoclet, *Fils du Martel: La naissance et la jeunesse de Pépin, dit ‘Le Bref’, v. 714–741* (Turnhout, 2013).

² S. Dick, *Der Mythos vom ‘germanischen’ Königtum. Studien zur Herrschaftsorganisation bei den germanischsprachigen Barbaren bis zum Beginn der Völkerwanderungszeit* (Berlin, 2008).

³ O. Guillot, ‘Le droit romain classique et la lexicographie des termes du latin médiéval impliquant délégation de pouvoir’, in Y. Lefèvre, ed., *La lexicographie du latin médiéval et ses rapports avec les recherches actuelles sur la civilisation du Moyen Âge* (Paris, 1981), pp. 153–66.

⁴ S. Esders, *Römische Rechtstradition und merowingisches Königtum. Zum Rechtscharakter politischer Herrschaft in Burgund im 6. und 7. Jahrhundert* (Göttingen, 1997).

Thus in the early days of the Merovingian dynasty, the very notion of central authority had indeed raised problems of definition. Thanks to a *foedus* with the Empire in the fifth century, the Frankish kings had been given control of the provinces of northern Gaul. But at best this was delegated power. The real master of the world was still in Constantinople, a fact that the Merovingians were willing to accept. In their correspondence, they presented themselves as the 'sons' of the emperor. On the *solidi* minted by the Franks, the Byzantine emperor appeared as the sole issuing authority, and this situation lasted until the late sixth century.⁵ Under Dagobert I (d. 639), Byzantium would still be giving orders concerning religious matters and would expect the Franks to enforce them.⁶ Naturally one should beware of overestimating the effective authority of the *basileus* in Gaul. The universal Empire was a fictitious institutional framework, which one resorted to only in case of need. A weak Barbarian king would state that the emperor remained the source of *honores*, including his own royal function.⁷ But a powerful sovereign such as Theudebert I (d. 548) went on coining money in his name, so that he could express his own independence and ambition.⁸ This means that the recognition of the superior authority of Constantinople was part of a rhetorical game. In reality, on the everyday level, the plenitude of attributes that came with ancient *auctoritas* was assumed by the Merovingians. From the late sixth century, the king of the Franks was also recognized as responsible for the salvation of all his subjects. Seen as a 'minister of God' on earth, he appeared as the medium for all protection and justice.⁹

There was a gap, however, between ideology and practice: the continuity of royal authority faced difficulties in terms of geography, administration or dynasty.

⁵ P. Goubert, *Byzance avant l'Islam*, t. II/1: *Byzance et les Francs* (Paris, 1956).

⁶ According to Fredegar, Heraclius would have sent Dagobert an order to convert all the Jews (*Chronicles*, IV, 65, ed. B. Krusch, *MGH Scriptores rerum merovingicarum* [henceforth *MGH SRM*], II (Hanover, 1888), p. 153). The historical truth of this message has been the subject of ample debate. Byzantine sources attest that Heraclius intended to make his measure universal: G. Dagron, 'Juifs et Chrétiens dans l'Orient du VII^e siècle: Introduction historique', *Travaux et Mémoire D'Histoire et de Civilisation de Byzance*, 11 (1991), pp. 17–46, at 31. In the Gallic world, a few indications suggest that there was a persecution of Judaism under Dagobert, in particular *Vita Sulpicii episcopi Biturigi*, 4, *MGH SRM*, IV, p. 374.

⁷ 'Letter from Sigismond to Emperor Anastasius', Avitus of Vienne, *Ep.* 93, in *Avitus of Vienne, Letters and Selected Prose*, trans. D. Shanzer and I. Wood (Liverpool, 2002), pp. 146–8.

⁸ R. Collins, 'Theodebert I, "Rex Magnus Francorum"', in P. Wormald *et al.*, eds, *Ideal and Reality in Frankish and Anglo-Saxon Society: Studies Presented to J. M. Wallace-Hadrill* (Oxford, 1983), pp. 7–33.

⁹ *Epistulae aevi merovingici collectae*, 15, ed. W. Gundlach, *MGH Epistulae* (Berlin, 1892), iii, p. 460: 'Ministrum te Dei esse scias ad hoc constitutum ab ipso, ut, quicumque bona faciunt, te habeant misericordem adiutorem, uindicem fortem te cognoscant hi, qui faciunt mala, ut, antequam faciant, te timeant.' See also P. D. King, 'The Barbarian Kingdoms', in J. H. Burns, ed., *The Cambridge History of Medieval Political Thought, c. 350–c. 1450* (Cambridge, 1988), pp. 123–56, at 137.

But the Merovingian world had the capacity to invent a number of dispositions that made possible the extension of the link – though not to breaking point – between the real person of the king and the sovereign power he incarnated.

The Diffusion of the King's Presence

Even in the absence of major *regalia*,¹⁰ the Merovingians knew how to stage their plenary power when they appeared in public. The royal audience was carefully codified and this enabled them to deliver a speech of authority.¹¹ This *verbum regis* was officially the main expression for diplomacy, law and justice.¹² In these conditions the fact that one belonged to the social elite was defined by access to the palace, where one could present one's business and hear the sovereign. In the edict of Childebert II (570–95), one of the most severe punishments meted out to incestuous aristocrats was being excluded from the palace.¹³ The ceremonial of the meeting worked both ways, since the king also needed the great men to be present. For instance, a royal enthronement or the making of new law implied the presence of a large enough number of magnates. In any case, the Merovingian king had to give tokens in terms of visibility and availability. Not holding regular audiences was perceived as a sign of a bad king.¹⁴ For a minister, preventing access to the palace was a major political fault. In the early 670s, the Mayor of the Palace, Ebroin (d. 680–1), became extremely unpopular as he had forbidden the magnates to appear in the presence of the king without being summoned.¹⁵

The Merovingian system of government assumed regular encounters between the king and the magnates. Meeting the Merovingian king gave him some kind of legitimacy. In return, one had to be seen in his company in order to be recognized as one of the great men of his kingdom.¹⁶ What the subjects expected from such meetings would vary. The audience was the place where demands

¹⁰ If one is to except the much disputed case of royal hair: A. Cameron, 'How did the Merovingian Kings Wear their Hair?', *Revue Belge de Philologie et d'Histoire*, 43 (1965), pp. 1203–16; M. Diesenberger, 'Hair, Sacrality and Symbolic Capital in the Frankish Kingdoms', in R. Corradini, M. Diesenberger and H. Reimitz, eds, *The Construction of Communities in the Early Middle Ages: Texts, Resources and Artefacts* (Leiden and Boston, 2003), pp. 173–212.

¹¹ See J. Barbier, 'Un rituel politique à la cour mérovingienne: L'audience royale', in J.-P. Caillet and M. Sot, eds, *L'Audience: Rituels et cadres spatiaux dans l'Antiquité et le haut Moyen Âge* (Paris, 2007), pp. 241–63.

¹² P. Wormald, 'Lex scripta et verbum regis: Legislation and Germanic Kingship from Euric to Cnut', in P. Sawyer and I. N. Wood, eds, *Early Medieval Kingship* (Leeds, 1977), pp. 105–38.

¹³ *Childebert II decretio*, c. 2 (ed. A. Boretius, *MGH Capitularia* I, p. 15).

¹⁴ Gregory of Tours, *Decem Libri Historiarum* [henceforth *DLH*] (ed. B. Krusch, *MGH SRM*, I), VI, 46.

¹⁵ *Passio Leudegardi prima*, 4, ed. B. Krusch, *MGM SRM*, V (Hannover and Leipzig, 1910), p. 4.

¹⁶ See for a later period: M. Gravel, *Distances, rencontres, communications: Réaliser l'Empire carolingien sous Charlemagne et Louis le Pieux* (Turnhout, 2012).

could be made and official decisions formulated both rapidly and with immediate execution. A devious sovereign could play on this by giving privately an answer that was different from the one he gave in public.¹⁷ But such ambiguity was undesirable. As a Merovingian mirror of princes puts it, a good sovereign has to be 'measured in his speech, firm in his word'.¹⁸ When appearing at court, the subjects also expected some indications about the general direction business was taking, since, as in other periods, political communication played on codified emotions that the king displayed in public and whose meaning was known to onlookers. This was, for instance, the case with anger, which announced vigorous political actions, or with pity, which gave some legitimacy to unexpected grace.¹⁹ The allusions contained in official discourses, or the running of curial ceremonies, were also used in order to give indications in matters of general policy. Finally, when coming to the palace, the supplicant expected to be given a written act; this expectation was justified by real practical needs but was also based on a form of bureaucratic culture inherited from late Antiquity.²⁰ Even for the making of personal links between man and man the king would produce texts: there is, for instance, a formula for warriors who have entered the trust of the Merovingian king by swearing fidelity to him on their arms.²¹ This mixture of orality, gestures and administrative writing testifies to the complex character of Merovingian authority, in which personal and institutional links merged.

This form of government based on personal encounters had to compromise, however, with the specific geography of the French kingdoms. These were large and disconnected. In a word, not everybody had access to the king. Furthermore, because of conquests, inheritances and annexations, a Merovingian kingdom often had to deal with areas which had strong regional or ethnic identities. Contemporaries were aware of this difficulty. 'If your sceptre is unique, your subjects are many, if your people are diverse, your domination is unified, if you kingdom is strong, your empire is extensive', as one bishop wrote to King Theudebert I in the 540s.²² The diminution of authority was a permanent risk, and power had to be expressed in different ways according to the region where it was enforced.

¹⁷ This seems to have been the case with King Gontran (c. 561–92), who made use of it in order to wrongfoot ambassadors: *DLH*, IX, 20.

¹⁸ *Epistulae aevi merovingici collectae*, 15, ed. Gundlach, *MGH Epistulae*, III (Berlin, 1892), p. 458: 'mensuratus in uerbis, firmus in dictis'.

¹⁹ G. Althoff, 'Ira Regis: Prolegomena to a History of Royal Anger', in B. Rosenwein, ed., *Anger's Past: The Social Uses of an Emotion in the Middle Ages* (Ithaca and London, 1998), pp. 59–74.

²⁰ D. Ganz, 'Bureaucratic Shorthand and Merovingian Learning', in Wormald *et al.*, eds, *Ideal and Reality*, pp. 58–75.

²¹ *Formulary of Marculf*, I, 18, ed. A Uddholm, *Marculfi formularum libri duo* (Uppsala, 1952), p. 86.

²² *Epistolae austriacae*, 10, ed. E. Malaspina, in *II Liber epistolarum della cancellaria austriaca (sec. V–VI)* (Rome, 2001), p. 108.

In central areas a kind of semi-itineration allowed the sovereign to get close to his subjects.²³ Rome had already experimented with itinerating power, in particular between the third and the fifth centuries, and there is no reason to seek there any trace of the 'Germanic nomadism' romantic historians thought they could identify.²⁴ Ordinarily the kings moved about an area that was relatively restricted and which corresponded to the limits of a capital region. Stepping out of this well-posted world made sense. Several Merovingian kings travelled specifically in order to advertise their authority in areas where populations seemed reluctant to accept them. In the late sixth century King Gontran made it a specific feature of his rule to be present in person on the borders of his kingdom. The stay of Dagobert I in Burgundy in 628–9 is another such case. The region had refused to submit to his power and the king appeared there suddenly in order to hold a series of trials.²⁵ Indeed, such unusual movements were the occasions for major gestures of power: the meeting of assemblies, *aduentus* in cities, gifts to churches and the exercise of a demonstrative justice, i.e. a justice that was extreme, whether in clemency or in severity.

In areas that were more marginal or contested, the need for authority could only be met by the intermittent presence of the sovereign in person. Maintaining dynastic control required the creation of local kings. This is not the place for discussing the role of inheritance divisions, which followed different patterns. Instead one may note that sources often mention 'small' divisions, which were often provisional, and whose purpose was to give a king to a region that demanded one. In 589 for instance Childebert II made his son Theudebert II king of the Soissons area, and in 592 he made his other son, Theuderic II, king of Alsace.²⁶ Gregory of Tours notes that for the occasion part of the royal court joined the new court, among them 'counts, *domestici*, mayors (*maiores*) and intendants and all other persons who are necessary to ensure the service of a king'.²⁷ In order to hold the area concerned one sent not a prince only, but a whole administration. A generation later, in 622, Chlothar II agreed to rebuild a *regnum* of Austrasia for the benefit of his son Dagobert I.²⁸ Having reunified the kingdom, Dagobert acted in a similar way in 632 in favour of his son Sigebert III.²⁹ In every instance the king who was sent from the court was a child. His decision-making capacity was low but his presence symbolized the local hold of a dynasty, to the benefit of

²³ On the notion of *palatium*: J. Barbier, 'Le système palatial franc: Genèse et fonctionnement dans le nord-ouest du *regnum*', *Bibliothèque de L'École des Chartes*, 148/2 (1990), pp. 245–99, at 248–55.

²⁴ J. Jarnut, 'Germanisch. Plädoyer für die Abschaffung eines obsoleten Zentralbegriffes der Frühmittelalterforschung', in W. Pohl, ed., *Die Suche nach den Ursprüngen. Von der Bedeutung des frühen Mittelalters* (Vienna, 2004), pp. 107–113; *Le gouvernement en déplacement*, ed. J. Barbier, J. Chausson and S. Destephen (forthcoming).

²⁵ Fredegar, *Chronicles*, IV, 58.

²⁶ *DLH*, IX, 32; Fredegar, *Chronicles*, IV, 37.

²⁷ *DLH*, IX, 36.

²⁸ Fredegar, *Chronicles*, IV, 47.

²⁹ *Ibid.*, 75.

both the senior king and the regional aristocracy. Each palace was a place where it was possible to meet princely power; this was also a way to let off political steam and meet the needs of honour, visibility and social ascension at the regional level.

In a few cases such governments existed without a king. In 613 Chlothar II, having reunified the whole of the Frankish world under his aegis, agreed to maintain three palaces (Neustria, Austrasia and Burgundy) while himself residing in the area around Paris. It was exceptional for him to visit Austrasia and Burgundy.³⁰ In kingless palaces the status of the Mayor hovered between that of representative of the king and holder of real regional autonomy.³¹ For instance, the Mayor of Burgundy, Warnachar II (617–26), took advantage of these favourable circumstances to exact from Chlothar II the recognition that he held his office for life.³² Nevertheless he kept up appearances. While attempting to interfere in religious matters he did not dare to replace the king for the summons of the regional council.³³ The image of the sovereign remained sacrosanct. After Warnachar's death, Chlothar II eliminated his heir and suppressed the palace of Burgundy.³⁴ Royal authority therefore remained intact, with no admission that it had ever been seriously threatened.

Duchies on the periphery of the Frankish world raised similar problems. How was it possible to express the authority of the sovereign in areas which were relatively distant, with different populations, and which had often been acquired by conquest?³⁵ For the sovereign the simplest answer to this question was still to visit those areas in person. Quite often Merovingian kings led military expeditions on the margins of their kingdoms in order to remind dukes of their presence. But this violent form of government through military encounters was not an exclusive option. The Merovingian kings did not hesitate to integrate some dukes into their dynasty. On several occasions the Agilolfings of Bavaria were able to marry Merovingian princesses, and this allowed some kind of dynastic presence at local level. A more permanent solution was to make use of ideological texts in order to present the central king as a major authority. The *Law of the Bavarians* thus allowed the duke considerable autonomy, but only to the extent that he remained loyal to the sovereign. In fact, the Merovingians were presented as the creators of Bavarian law.³⁶ In the *Law of the Alemanni* the existence of the Frankish kingdom also appears as a necessary requirement for the existence of local power.³⁷

³⁰ Wood, *Merovingian Kingdoms*, pp. 144–6.

³¹ Fredegar, *Chronicles*, IV, 44.

³² *Ibid.*, 42.

³³ Jonas de Bobbio, *Vita Columbani, abbatis Luxo et Bobiensis*, II, 9–10, ed. B. Krusch, *MGH SRM*, IV (Hannover, 1902), pp. 123–30.

³⁴ Fredegar, *Chronicles*, IV, 54.

³⁵ K. F. Werner, 'Les principautés périphériques dans le monde franc du VIII^e siècle', in *I problemi dell'Occidente nel secolo VIII*, Centro Italiano di Studi sull'Alto Medioevo. Settimane di Studio, 20 (Spoleto, 1973), pp. 483–514.

³⁶ On the Bavarian situation: C. I. Hammer, *From ducatus to regnum: Ruling Bavaria under the Merovingians and Early Carolingians* (Turnhout, 2007).

³⁷ Not. *Lex Alamannorum*, 26, 1.

The result of these devices may look disappointing. The rebellions in peripheral duchies were many, and from the 640s they became particularly serious. However, even when the authority of the Merovingian king was under attack, its essence was not challenged. In 639, for instance, the army of Sigebert III of Austrasia failed to beat Radulf of Thuringia, an autonomous duke. The chronicler Fredegar writes:

Bursting with pride, Radulf thought that he was king in Thuringia. He created bonds of friendship with the Wends and offered his friendship to the other neighbouring nations. In his speech, however, he did not challenge the government of Sigebert, even if on the ground he violently resisted his domination.³⁸

In practice, none of the peripheral duchies broke off from the kingdom, even when they reached near-complete autonomy, as was the case in eastern and southern lands around 700. The situation seems to have been similar in the so-called 'ecclesiastical principalities' which appeared towards the end of the seventh century and in the early years of the eighth.³⁹ There no office-holder ever attempted to escape Merovingian authority, despite remaining prudently aloof from what was left of central power.

Administering *de nomine regis*

Let us change the angle of analysis and attempt to consider the relationship between the king and his subjects in purely administrative terms. Here the issue of the visibility of public authority rises again, even within the restricted limits of the territories that were part of the ancient Roman provinces.

First, authority could be expressed in the person of the king's agent. In the seventh century there were about 700 royal officers in the Frankish world,⁴⁰ to which one could add about 100 bishops whose appointment belonged to the palace and who to some extent also administered men and spaces. In all sixth-century sources, the presence of the king behind his agents is made quite clear. The model of nomination preserved in the Marculf formulary suggests that was still the case around 700.⁴¹ The reason for this is probably that counts and bishops had regular access to the court and therefore to the person of the king. The Merovingian king would also regularly summon his prelates or his territorial officers, and until the early eighth century the diplomatic documentation suggests that these court meetings were well attended. They were also the opportunity for displaying

³⁸ Fredegar, *Chronicles*, IV, 87 (p. 193).

³⁹ On this term, see R. Kaiser, *Bischofsherrschaft zwischen Königtum und Fürstenmacht: Studien zur bischöflichen Stadtherrschaft im westfränkisch-französischen Reich im frühen und hohen Mittelalter* (Bonn, 1981). The only occurrence of the term in a Merovingian source being ironic, it is probably best to remain cautious when interpreting its use.

⁴⁰ B. Dumézil, *Servir l'État barbare dans la Gaule franque* (Paris, 2013), p. 157.

⁴¹ Marculf, *Formulaire* I, 8. On the date: A. Rio, *The Formularies of Angers and Marculf: Two Merovingian Legal Handbooks* (Liverpool, 2008).

gestures of authority, whether through the making of new laws or the holding of political trials. In a word, royal power existed at local level since the simple subject knew the great man who himself knew the king. This authority was all the more tangible since the regional magnate who did not give satisfaction had to fear royal wrath. In the years 660–70 the palace was still able to order the execution of a patrice of Provence,⁴² and that of a Lyon governor.⁴³

Until the 1980s historians tended to ignore the efficiency of Merovingian administration. The impression of increasing interpersonal relationships and familial violence suggested that central power was losing its monopoly on legitimate violence. Furthermore, the historians of the Romanistic school often interpreted the surrender of the exclusive right of minting gold coinage as a sign that the ancient State was failing. Indeed, instead of a unified minting of *solidi* – which was the major medium for imperial ideology in the fourth and fifth centuries – the Merovingian world experienced a scattered production of *trientes*. These coins were of mediocre quality and did not always bear the name of the king. It is tempting to interpret the numerous mentions of local minting authorities as indications that the sovereign's presence was being eclipsed by local authorities, in particular important bishops. It has been noticed, however, that although they were produced in many different mints *trientes* were remarkably similar: some central authority probably controlled the minting process.⁴⁴ An attractive hypothesis is that the *trientes* were not meant to circulate; instead they were a kind of accounting money that enabled administrative districts (*vici*) to pay royal tax. This means that they were produced locally at a low cost and without any reflection on the ideological message the coins may carry.⁴⁵ The royal authority of the Merovingians was not expressed in their monopoly on coinage but in their capacity to delegate coin production to well-identified and controlled mints.

In reality, until at least the mid-seventh century, the Merovingian palace held a major financial role. In fiscal matters this authority could be challenged, but it was strong enough to raise numerous protests. Usually it was the tax collector or the great minister who were targeted, and not the sovereign himself.⁴⁶ Taxation was obviously public but it was not necessarily directly linked to the person of

⁴² *Passio Leudegarii I*, 11; *Passio Praejecti*, 26.

⁴³ *Acta Aunemundi*, 3.

⁴⁴ M. F. Hendy, 'From Public to Private: The Western Barbarian Coinages as a Mirror of the Disintegration of Late Roman State Structure', *Viator*, 19 (1988), pp. 29–78; P. Grierson and M. Blackburn, *Medieval European Coinage*, vol. 1: *The Early Middle Ages (5th–10th Centuries)* (Cambridge, 1986), pp. 97–102.

⁴⁵ J. F. Boyer, 'À propos des triens mérovingiens: Approche du système de collecte et de traitement de la recette fiscale en Limousin aux VIe–VIIe siècles', *Annales du Midi*, 119/258 (2007), pp. 141–57.

⁴⁶ Under Theudebert, Parthenius (*DLH*, III, 36); under Theuderic II, the Mayor of the Palace, Protadius (Fredegar, *Chronicles*, IV, 27).

the king. The king was happy, however, to intervene in particular instances, by offering tax exemptions or reductions in order to cultivate his popularity.

The Merovingian king probably had other means at his disposal, such as the practice of oath-taking, in order to make his authority recognized. The significance of the oaths that were demanded by the king from his subjects, and that his representatives collected in disputed areas, has often been underestimated. Several passages in the work of Gregory of Tours suggest that the political affiliation of a city depended on personal loyalty to a king who resided far away and whom one would never see. Furthermore, the general oath of fidelity, which is well known for the Roman period, also existed in the Merovingian world, long before Charles the Great borrowed this device in order to reinforce his legitimacy.⁴⁷ One may also mention the *missi*, who were responsible for solving difficult business in cities: they were often palatial office-holders, who lived in the immediate entourage of the sovereign and who were judged to be more able than anybody else to represent the king in order to resolve disputes or dispense justice.⁴⁸ Unsurprisingly the *missi* also collected oaths of fidelity.⁴⁹ To sum up, the projection of authority was still strongly personal, even when it appears to have been institutionalized.

In other circumstances writing was the main medium for the demonstration of authority. This was probably one of the reasons for Merovingian edicts. Unfortunately the poor and indirect preservation of these documents means that one cannot be sure about their reception and impact. Nevertheless, their use by bishops and their existence in early Canon law collections are indications that clerics at least knew about them.

In some cases the royal right proclaimed the Christian stature of the sovereign more than it determined social norms.⁵⁰ For instance, in areas where he was competing with the authority of the Church, such as marriage law or the sacred, the sovereign tried to convince his subjects of the plenitude of his attributes. Writing about sacrileges against canonical prescriptions, Childebert I states that 'it belongs to us to decide on this matter' ('nostrum est pertractandum');⁵¹ the bishops would advise and reprimand, but it was the king who had in the last instance the power to legislate, coerce and punish. It was this right that was enforced by royal agents.

Edicts probably made up only a small proportion of the administrative letters sent to counts, cities and bishops. The greater part of this documentation has disappeared, but the chroniclers always stress that it was the royal letter which expressed locally the *auctoritas* of the sovereign. It was shown, preserved and

⁴⁷ S. Esders, *Sacramentum fidelitatis. Treueidleistung, Militärorganisation und Formierung mittelalterlicher Staatlichkeit* (Bochum, 2003).

⁴⁸ See note. Venantius Fortunatus, *Carm.* X, 12, b and d.

⁴⁹ *Formulary of Marculf*, I, p. 40.

⁵⁰ M. Cândido da Silva, *A realeza Cristã na alta Idade Média* (São Paulo, 2008).

⁵¹ *Praeceptum* of Childebert I, ed. A. Boretius, *MGH Cap.* I, pp. 2–3.

presented in case of contestation.⁵² Everybody knew that this correspondence was written by the palatine officers, who used the skills of a *dictator* writing *de nomine regis*.⁵³ The *manus propria* of the king was not a prerequisite. In the early Middle Ages the authority of writing did not have any direct link to autography. In the *Moralia in Job* Pope Gregory the Great (d. 604) even uses the practice of letter-writing as an image to explain that God has inspired the Scriptures while entrusting their composition to His prophets: 'If we have received the letter of a highly-placed person, it would be ridiculous [...] to try to know whose pen has traced the words.'⁵⁴ In practice a letter 'in the name of the king' was not necessarily a letter from the king as a person. In 590, Childebart II denounced a whole series of letters written in his name during his minority, claiming they had been written without his knowledge.⁵⁵

Whether authentic or false, royal letters were impressive, and it was difficult to challenge their authority. About 550, Bishop Mappinus of Reims was summoned to a judiciary council by King Theudebald. The assembly was meant to judge his colleague and friend Nicetus of Trier, who was accused of having abused his powers of excommunication. In a private message to Nicetus, Mappinus explained how he had been able to disobey the official message by quibbling over it:

We have received from our son, the lord king Theudebald, a letter summoning us to the city of Toul on the day of the calends of June. Since he was not giving any reason for this summons, we have written back to him stating that we could not act as he wished for we did not know the reason or the measures for this. Writing back to us he told us that your Beatitude suffered from various hates and worries, for you had corrected a few Franks through your fear of God and you had taken them away from ecclesiastical communion because of their incestuous situation. [...] May your Perfection understand this more clearly: if the second letter of the lord king had reached us before the fifth or the sixth day of the calends of June, you would have seen our humble person at the stated day and place.⁵⁶

In a word, it was possible to cavil at the details of a summons, but challenging an explicit order sent by the palace was a risk few were ready to take.

The concession of diplomas and their distribution also pertained to the demonstration of authority. From the seventh century onwards the Merovingian Chancery may have attempted to express a kind of real presence of the king in important acts. This may explain the deposit of hair in the wax of Merovingian diplomas, though more in-depth analyses are needed before firm conclusions may be reached.⁵⁷ In any case the production was too abundant for the sovereign in

⁵² See in particular *DLH*, VI, 24.

⁵³ See in particular *Epistolae Austrasicae*, 43–48, pp. 206–21.

⁵⁴ Gregory the Great, *Moralia in Job*, Prologue, ed. R. Gillet (Paris, 1975), p. 138.

⁵⁵ *DLH*, X, 19.

⁵⁶ *Epistolae Austrasicae*, 11.

⁵⁷ In the current absence of an in-depth study, one may consult Ph. Charlier, M.-A. Nielen and A. Prévost, 'Les sceaux des "rois chevelus"', *Archéologia* (November 2012), pp. 40–7;

person to know every diploma that came out of his Chancery. If one follows the testimony of the *Life of Austrigisilus of Bourges*, Gontran of Burgundy suspected one of his palace officials of issuing donation diplomas without consulting him. Since he was unable to prove this irregular practice, he had to fall back on trial by combat in order to identify the guilty party.⁵⁸ In fact, the lack of archives meant that the Merovingian palace had but a short memory.⁵⁹

Written communication did not exclusively use the channels of orders or diplomas. As mentioned above, subjects expected physical encounters with the king to result not only in words and actions, but in emotions too. The Merovingians seem to have been aware of this when they circulated or let circulate texts that played on pathos. Venantius Fortunatus, *dictator* at the Austrasian court in 580, produced a series of curious poems. They evoke the sadness of Queen Brunhilda on the death of her sister Galswinth, the pride of Radegund when she received the relic of the True Cross sent by Emperor Justin II, or again the terror of the Thuringians when facing the devastating power of Frankish armies. These texts were not officially issued by the king. They did not mention any decision-taking. Nevertheless, their composition and dissemination imply that they were thought of as political messages. They circulated among the cultured elites of the kingdom and their function was probably to justify diplomatic changes.⁶⁰ This was perhaps also true of the panegyrics and epithalamiums which circulated widely, presumably intended for those who could not be present at court.

In numerous matters the Merovingian administration played on the presence of the king behind the acts of government. In theory, this was necessary; in reality, it was optional since Chancery and Treasury could work without the intervention of the sovereign or at least in the absence of his regular intervention. The Merovingian palace could operate when the king was incapacitated, which was in fact often the case during royal minorities.

Managing Vacancies

The real tragedy was not a disabled or young king but the dynastic accident which left the kingdom without any readily identifiable sovereign. This undid ties of fidelity, the web of personal and institutional relations on which public authority rested and which maintained internal peace. Gregory of Tours mentions such disorders after the violent deaths of Sigebert I in 575 and of Chilperic in 584.

M.-A. Nielen, 'Sceller au temps des rois "chevelus"', in *L'Austrasie: pouvoirs, espaces et identités à la charnière de l'Antiquité et du Moyen Âge* (forthcoming).

⁵⁸ *Vitae Austrigisili*, 4, ed. B. Krusch, *MGH SRM*, IV, p. 191.

⁵⁹ B. Dumézil, 'La chancellerie mérovingienne au VI^e siècle', in *Le corti nell'alto medioevo*, Settimane di Studio della Fondazione Centro Italiano Di Studi Sull'alto Medioevo, 62 (Spoleto, 2015), pp. 473–502.

⁶⁰ B. Dumézil, 'Les lettres de Venance Fortunat au nom de la reine Radegonde: L'art épistolaire au service de la diplomatie mérovingienne', in B. Dumézil et al., eds, *Lettre d'art et pensée politique (Épistolaire politique III)* (Rome, forthcoming).

These murders were by nature unforeseeable and required the magnates to renegotiate their fidelity immediately. Some officers left for neighbouring palaces, some towns chose a new master. More prosaically, many felt free to take to pillaging or to settle personal scores since justice was not delivered any more.⁶¹ The absence of central authority also disturbed the nomination-process of counts and the renewal of bishops, which were royal prerogatives. Short-lived potentates emerged, obliterating central authority. Faced with such a threat, the sovereign who carefully prepared his succession was praised by his subjects. One example is King Gontran: although there was no son to follow him on the throne, he made sure that Burgundy did not descend into chaos.⁶²

In cases where the succession had not been organized, magnates had to reach a consensus about a new sovereign as soon as possible. Their proclamation started his *auctoritas*. On the death of Childeric c. 480–1, Remi of Reims recognized the power of Clovis;⁶³ similarly, Didier of Cahors rushed to recognize Sigebert III after the demise of Dagobert I in 639.⁶⁴ It did not matter that the prince was too young to rule, as long as there was unity around him. On the death of Sigebert I in 575, the Austrasian palace promptly secured his five-year-old son, Childebert II, who was then residing in Paris, and he was crowned as soon as possible.⁶⁵ On the death of Chilperic I in 584 the situation was even more complex since nobody knew whether the deceased had left a son. With many reservations, but not too many scruples, the palatine court hastily put a four-month-old child on the throne. The infant had not yet received a name (he would become Chlothar II), but Queen Fredegund certified that he was Chilperic's son.⁶⁶ In both cases leaving the throne long vacant would have been risky, since there were adult Merovingians elsewhere.

Quick and smooth successions should not mask the existence of interregna of varying length when aristocratic clans did not agree which member of the dynasty should ascend the throne. On the death of Chlothar II in 673 the Mayor of the Palace, Ebroin, suggested that the throne should be given to Theuderic III, while other magnates backed a reunification of the *regnum Francorum* in favour of Childeric II. The first *Passion of Saint Leodegar* gives a detailed account of the ensuing confusion:

Recalled by the Lord, King Chlothar left this life. Ebroin should have elevated to the throne his blood brother called Theuderic, having summoned the magnates, and with the solemnity required by custom. But bursting with pride, he refused to summon them. The magnates were frightened for the sake of this king whom

⁶¹ B. Dumézil, 'La compétition pour la régence en Austrasie, 575–587', in R. le Jan *et al.*, eds, *Rivaliser, coopérer: Vivre en compétition dans les sociétés du haut Moyen Âge* (forthcoming).

⁶² See in particular, Fredegard, *Chronicles*, IV, 1, written three generations after the death of Gontran, at a time when successions were more difficult.

⁶³ *Epistolae Austrasicae*, 2.

⁶⁴ Didier of Cahors, *Epistolae*, I, 3 (*MGH Ep.* III, p. 194).

⁶⁵ *DLH*, V, 1.

⁶⁶ *Ibid.*, VII, 7.

Ebroin should have elevated to the glory of public power and whom he had kept at his side only for his title. They were worried in case he would audaciously attack him. And when many nobles who were rushing to meet the new king received from Ebroin the order to retrace their steps they consulted each other. They abandoned Theuderic and all together they asked for Childeric, his younger brother, who had received as his share the royal power in Austrasia, to come to them.⁶⁷

This skilful tale was written when Theuderic III had succeeded in ascending the throne in Neustria-Burgundy. The royal elevation of 673 is presented as invalid. Since the meeting and mutual recognition between the king and his magnates had not taken place, Theuderic III only had the *nomen* of king, not real *auctoritas*. The Burgundian aristocracy, who were perceived to set great store by solidarity, had committed no crime when they had refused to recognize Theuderic and had chosen his brother instead. Similarly, on the death of Chilperic in 675, three groups of magnates backed three competitors.⁶⁸ The civil war carried on for several months before a solution was found and a new division of the *regnum Francorum* was negotiated.⁶⁹ Such interregna were the exception, but the death of a king without a designated successor (or designated successors) was an event of some magnitude. Since it could eventually lead to a new territorial division, local elites knew that they could lose their palaces, which were the symbols of their autonomy and places of opportunity. In these conditions, a young and putative Merovingian king was better than no Merovingian at all.⁷⁰

The choice of a child-king raised another issue of authority, since the idea of regency was never conceptualized or formalized in the Merovingian era. In practice, the sovereign who was a minor was placed under the control of one or several personalities who assumed most kingly powers.⁷¹ In the sixth century, this was often a senior member of the dynasty or a palatine officer, the *nutricius*. In the seventh century, however, the Mayor of the Palace became an indispensable actor. The Queen Mother could also play a role in the administration of royal affairs: Clothild, Brunehilda, Fredegund and Bathild all took advantage of their sons' minorities.⁷² In any event, the regency often remained a collective task, and the college sometimes opened up to dukes or influential bishops.

⁶⁷ *Passio Leudegarii prima*, 5.

⁶⁸ These were Theuderic III, who was then imprisoned in a monastery, a child named Clovis, who was presented as an illegitimate child of Chilperic II, and Dagobert II, an Austrasian prince who had been living in exile in Ireland for more than ten years: P. Fouracre and R. A. Gerberding, *Late Merovingian France: History and Hagiography* (Manchester and New York, 1996), pp. 21–4.

⁶⁹ *Liber Historiae Francorum*, p. 45.

⁷⁰ This very political conception of dynastic continuity therefore implied a loose understanding of biological continuity: see I. Wood, 'Deconstructing the Merovingian Family', in Corradini, Diesenberger and Reimitz, eds, *The Construction of Communities*, pp. 149–71, at 157–8.

⁷¹ Dagobert I thus organized the entourage of his young son Sigebert III, who was enthroned as king of Austrasia in 632: Fredegar, *Chronicles*, IV, 75.

⁷² The role of queen-mothers in the regency has attracted the attention of many scholars, but

Government in the name of a child king was never intrinsically shocking. In 576, Venantius Fortunatus (perhaps with an eye to his own interest) wrote a poem particularly complementary of the *nutricius* Gogo and the Duke Lupus, who were in control of the palace of Austrasia in the name of Childebert II.⁷³ He also addressed eulogies to the *domesticus* Conda,⁷⁴ who had fulfilled a similar role in the days of Theudebald's youth. Neither does Gregory of Tours seem to take a tragic view of minorities: he recognizes the authority of the *seniores Childeberti* (the magnates who assumed the regency in the name of Childebert II), even if he sometimes questions a particular decision.⁷⁵ Pope Gregory the Great himself rejoiced at such a situation in a panegyric letter sent to Brunhilda in 595:

The goodness of your Excellency, which is worthy of praise and pleasing in the eyes of God, is made clear by the government of your kingdom and the education of your son. Not only have you preserved with attentive care the intact glory of his temporal goods, but you have provided for his gratification in the eternal life, when, duly and praisefully fulfilling your role as a mother, you have placed in his mind the root of the true faith. This is why it is not without reason that he is seen to be above the kingdoms of all people, he who adores the Creator of these same people and who has a true faith in Him.⁷⁶

The regency could thus be a regime enabling the young king to be well educated, while he and his kingdom remained safe under the control of an experienced guardian.

Similarly, in the 640s an anonymous Frankish bishop wrote a long letter which celebrated the efficiency of the regency college:

They are to be ranked among happy men those who in the beginning of your reign, in our days, by the grace of God, administer royal goods, pursue a rightful policy and dispense justice. For as they reflect upon these tasks and give their support to your existence, they therefore win future gratification. For one rejoices that there were always very noble persons at the palace in your reign as well as in those of your numerous ancestors. In this place truth is not contested, but justice rendered, so that all human cupidity is gotten rid of, the light of equity shines through, justice is triumphant. Therefore God is celebrated with praise, and thanks to the just trials which are held in this saintly and prudent palace, the poor rejoice at the judgments and are exultant. Thus these men ensure the defence of widows and protect orphans.⁷⁷

it would be wrong to deduct from this that the mother of the king held any institutional role. In reality, the working of the college of regency depended on the balance of power: Janet L. Nelson, 'Queens as Jezebels: Brunhild and Bathild in Merovingian History', in *Politics and Ritual in Early Medieval Europe* (London, 1986), pp. 1–48.

⁷³ Venantius Fortunatus, *Carm.* VII, 4.

⁷⁴ *Ibid.*, 16.

⁷⁵ *DLH*, VI, 17, 24 and 46.

⁷⁶ Gregory the Great, *Ep.* VI, 5.

⁷⁷ *Epistolae aevi Merovingi collectae*, 15 (*ed. cit.*, pp. 459–60); H. U. Anton, 'Königsvorstellungen bei Iren und Franken im Vergleich', in F.-R. Erkens, ed., *Das frühmittelalterliche Königtum: Ideelle und religiöse Grundlagen* (Berlin and New York, 2005), pp. 320–1.

This means that the sum of kingly powers could be exerted by persons other than the king, without either the *auctoritas* being diminished or the dynastic principle being challenged. The child king reigns, but he does not govern: in fact, nobody asks him to do so, and he may err if he attempts to impose his own will. The chronicler Fredegar attributes a heavy military defeat to the immaturity of Sigebert III, whose advisers had attempted to curb his will.⁷⁸

When the king reached his majority – generally when he was about fifteen – the situation changed, at least in theory. About 585, Brunehilda sent a letter to Byzantium in order to indicate that henceforth the responsibility for diplomatic affairs was in the hands of her son Childebert II, who ‘is now advanced enough in age to act energetically on his own initiative’.⁷⁹ In the same message, however, the Queen Mother indicates that she is still able to give good advice, and in practice she was still leading negotiations. In fact, for a king, reaching majority was not always synonymous with emancipation. In 590, when the exarch of Ravenna wrote to the palace he composed two letters, one to the titular king, the other one to his mother, whom he apparently knew still to be the commanding voice of the royal family.⁸⁰ During his pontificate Gregory the Great also sent letters in double when he addressed the Frankish world. In the 600s, Visigothic diplomats even put the name of the queen before that of the king in their diplomatic correspondence,⁸¹ which seems to indicate who in their opinion held real power.

In this context, rebellions usually targeted counsellors, who exercised – obviously badly – royal *auctoritas*. In 605 for instance, the magnates who were unhappy with the policy of Theuderic II murdered the Mayor of the Palace, Protadius.⁸² In a similar way, while describing the rebellion of the Austrasians against the regency of Egidius of Reims, Gregory of Tours has the people speaking thus: ‘Let those be expelled, who are administering the kingdom badly, who are subjecting cities to the domination of another, who are handing over the populations of this prince to the power of another!’⁸³ Rebellions could also be presented as a struggle to free the king. In 581 for instance, the governor of Marseille, Dynamius, refused to obey the new strong men of the palace. But he remained tacitly faithful to his sovereign, Childebert II.⁸⁴ Similarly, in 641, the patrice of Provence, Willebad, seceded from the palace of Burgundy, then controlled by Mayor Flaochard, but he remained faithful to Clovis II.⁸⁵ If one does not take intra-dynastic conflicts into account, murders of sovereigns remained rare.

⁷⁸ Fredegar, *Chronicles*, IV, 87.

⁷⁹ *Epistolae Austrasicae*, 44.

⁸⁰ *Ibid.*, 40 and 41.

⁸¹ *Epistolae Wisigothicae*, 11–13 (*MGH Ep.* III, pp. 677–81).

⁸² Fredegar, *Chronicles*, IV, 27.

⁸³ *DLH*, VI, 31.

⁸⁴ *Ibid.*, VI, 11.

⁸⁵ Fredegar, *Chronicles*, IV, 89.

Conclusion

French romantic historians worked in close connection with historical painting. One of the most famous pictures depicting Merovingian France is the *Homage to Clovis II* painted in 1883 by Albert Maignan. The scene is striking: a series of important personalities come to swear fealty to a frightened child who lies sprawled on a throne that is too large for him, while in the foreground a stack of sealed charters waiting for confirmation is depicted. In fact this comedy of power criticizes openly the French monarchy of the fifteenth-to-eighteenth-century *ancien regime*. The dynastic system allowed public power to be handed over to persons who were incapable of exercising it.

Early medieval Franks probably had a more flexible conception of authority. This was formalized by encounters – whether real or symbolic – between a *princeps* and his magnates, by the distribution of offices or diplomas, by the diffusion of legitimating texts and, above all, by the annihilation of opposition. The king incarnated this plenitude of sovereign power: there was no one to question this, and God had wanted it so. But the king also had a palace which exerted power *de nomine regis*. During minorities, interregna, or the absence of the king, non-royal persons assumed most sovereign responsibilities; they were also acting under the eyes of God. The vacancy of the throne did not mean an absence of the public and sacred authority that magnates could assume *ex officio*. The famous letter Pope Zacharias wrote to Pippin the Short (751–68), in which he stated that it was more reasonable for those who exercised royal power to bear the royal title, was therefore giving legitimacy to usurpation, but it was also ratifying the distance which had long existed between authority and its exercise.⁸⁶

It would be anachronistic to attempt to make use in this analysis of the notion of the Crown as detached from the person of the king. The Merovingians were neither theoreticians nor ideologues. But this does not mean they did not have any clear idea about the practice of power. In 581, in a period of tension around the person of the young Childebert II, an aristocrat apparently shouted to Brunhilda:

May it be enough for you to have held the kingdom [*tenuisse regnum*] under your husband! It is now your son who reigns [*regnat*]! And if his kingdom [*regnum*] is safe, it is not thanks to your protection, but thanks to ours! Get away from us so that our horses do not trample you under their hooves while they trample the ground!⁸⁷

Expressed in vigorous terms, this means that if reigning belonged to individual Merovingian males, the *regnum* was a responsibility distinct from the king, and one that persons other than the king could claim to hold.

⁸⁶ *Annales regni Francorum*, p. 749. On the context of the reign of Pippin the Short, see R. Collins, 'Pippin III as Mayor of the Palace: The Evidence', in M. Becher and J. Jarnut, eds, *Der Dynastiewechsel von 751: Vorgeschichte, Legitimationsstrategien und Erinnerung* (Münster, 2004), pp. 75–91.

⁸⁷ *DLH*, VI, 4.

‘Ubi armae ibi princeps’: Medieval Emblematics as the Real Presence of the Prince

LAURENT HABLOT

In the Middle Ages kings and princes often found it difficult to exert personal authority over territories that could be very extensive. This led them to act through the mediation of multiple agents; they also resorted to symbolic expressions of their authority. Through these intermediaries the presence of the ruler was made virtually effective, which was perceived as being sufficient. This was because medieval mentalities and sensitivities were familiar with the potential for *signa* to replace what they expressed. For instance, this was an essential principle in the context of religious and liturgical practices, where images (whether statues or pictorial representations) were seen as expressing divine or saintly presence. In this context also the consecration of the daily Eucharist produced the transubstantiated presence of Christ. On another level, this process led to reifying the presence of those who exerted some political authority: this was achieved through the use of symbolic attributes which they delegated to their representatives, as well as through the use of seals and heraldic emblems.

From an early date, shields of arms were vested with the ability to manifest *in absentia* the presence of their owners (Plate 1). Heraldic insignia were developed as specific images, and they were increasingly perceived as a kind of double of their bearers. This reality is rarely described as such, yet it is readily perceptible in the manifold practices of medieval heraldry. In the Middle Ages coats of arms meant for display were becoming increasingly popular, and they were seen as an essential element in the exercise of power.

Heraldry, Blazon and Presence *in absentia*

Heraldic insignia were established during the twelfth century and soon followed defined rules of composition – called ‘blazon’ since the early modern period. These rules stress what is specific about the heraldic image and distinguish it from other types of emblem. They also account for the complexity of what we may term the semiological features of the coat of arms, such as the organization of the various levels of the picture, the way charges are set on the field, colours assembled and so on. The sources for these principles of composition are still shrouded in obscurity. One suspects, however, that pre-existing emblematic systems were used as a model for heraldry: the insignia displayed on *uexilla* no



Plate 1: Dedication page of Antoine de la Sale, *Paradis de la Reine Sibylle*, Château de Chantilly, MS 653; the author, represented by his shield and crest, gives homage to his benefactor, Agnès of Burgundy, Duchess of Bourbon, who is represented by her arms

doubt played an important role in its beginnings. In any case, the basic rule of inversion of laterality – which means that the coat of arms is described from the point of view of the bearer of the shield – suggests immediately how this type of image may have been used to create the illusion of presence *in absentia*. With the heraldic image becoming more complex, various elements were added to the art of heraldry, and these contributed further to its anthropomorphic dimension.

The shield

The first known heraldic insignia were represented on *uexilla*, and in particular on a specific type of *uexillum*, the banner, which was used exclusively by those who held the military power of *bannum*. Early on they were also displayed on different parts of the military equipment of these lords, in particular the saddle cloth, the coat armour covering the hauberk, and the coif or helm protecting the head. From the 1160s, however, the shield – a piece of equipment in common use among knights – became the main medium for heraldic insignia. This may help explain why the heraldic shield was soon adopted by all mounted combatants.¹ The choice of the shield to display heraldic signs was meaningful. The shield was vested with a rich symbolic content which the Old Testament already shows as fully developed: it expressed the ability of its bearer to offer defence, as well as the virtues of those who gave such protection. This defensive arm was originally very large, with a shape similar to that of a long almond. It was carried in front of the combatant and somehow heralded him. This accounts for the fact that it was seen as a kind of double of the body of its bearer. It also justifies a number of practices which associated the body of the knight and his shield, an association that was obvious during a knight's funeral, but could be seen in other circumstances. The symbolic dimension of the shield remained a major feature of later heraldic practices. This was the same for the coat armour and the horse-trapper, which retained quite late their role as significant media for heraldic coats of arms: both held a particular symbolic function, which referred directly to the body of the knight or to that of his horse – the latter also expressing lordship. This explains why heraldic insignia were associated with a number of knightly rituals which were meant to represent the holders of the shields *in absentia*, in particular at funerals.

Dexter'

The first iconographic or textual witnesses of heraldic insignia show that these singular images were organized according to a specific principle: this was the inversion of laterality, which was normally reserved to animate objects, to living beings. In heraldry several means are used in order to enhance the left side of the image. Animal figures face the left side; it is also the most honourable side,

¹ For a summary of this question see Laurent Hablot, 'Entre pratique militaire et symbolique du pouvoir, l'écu armorié au XII^e siècle', in Miguel Metelo de Seixas and Maria de Lurdes Rosa, eds, *Estudos de heráldica medieval* (Lisbon, 2012), pp. 143–65.

the side on which the most prestigious figures are placed. And one always reads the image on the coat of arms starting from the left. Probably as early as the thirteenth century the terminology of blazon used 'dexter' to mean the *left* side of the coat of arms. This is what gave heraldic insignia their specific laterality. It was not before the fourteenth century, however, that this inversion was explicitly analysed as intending to represent – literally as well as figuratively – the bearer of the coat of arms. The first who attempted to do so was the Bolognese jurist Bartolus de Saxoferrato (d. 1357): his *De insigniis et armis* was the first work to qualify the nature and functions of heraldic insignia from a legal point of view.² There Bartolus attempted to explain how coats of arms could create an existence *in absentia* by the means of inversion; this he did by comparing coats of arms to Scripture, which is meant to incarnate God behind the text itself. Indeed, the only other context where this practice of inversion is used for an inanimate object is that of the religious cult: churches, altars and divine representations are perceived as reflections of divinity. In addition to this, the seal (whose ontological nature is stressed in Scripture as a metaphor for the creation of man in the image of God) was a familiar object in the social milieu where heraldry was born. Seals are indeed one of the main media for heraldry and it may be legitimate to suggest that the use of seals, which went far back in time, contributed to the idea that the heraldic image was the *imago* of its bearer.³ At the end of the fourteenth century the development of the realistic portrait, which was closely linked to the world of emblems, was the outcome of this reflection, which it translated into iconography.⁴

Suspension of the shield and reality effects

The world we live in is now saturated with colours and we may not fully grasp the visual impact, in the medieval period, of a brightly coloured sign: in addition insignia were often associated with other synaesthetic effects such as movement, sound, smell and so on, which contributed to give them their realistic dimension.⁵ There was another feature of the heraldic image which – although rarely mentioned – contributed significantly to bring into being the shield and its bearer,

² See the edition by Evan J. Jones in Mario Cignoni, ed., *Bartolo da Sassoferrato, 'De insigniis et armis': Il più antico trattato di araldica medievale* (Florence, 1998), pp. 27–43.

³ See the studies of Brigitte Bedos-Rezak, in particular: *When Ego was Imago: Signs of Identity in the Middle Ages* (Leiden and Boston, 2010); 'L'au-delà du soi: Métamorphoses sigillaires en Europe médiévale', *Cahiers de Civilisation Médiévale*, 49 (2006), pp. 337–58; 'Une image ontologique: Sceau et ressemblance en France préscolastique (1000–1200)', in Alain Erlande-Brandenburg and Jean-Michel Leniaud, eds, *Études d'histoire de l'art offertes à Jacques Thirion* (Paris, 2001), pp. 39–50.

⁴ On this point see Hans Belting, 'Le portrait médiéval et le portrait autonome: Une question', in Dominic Olariu, ed., *Le portrait individuel: Réflexions autour d'une forme de représentation XIIIe–XVe siècle* (Bern, 2009), pp. 123–36; and Belting, *Pour une anthropologie des images* (Paris, 2004), IV, 'Blason et portrait: Deux médiums du corps', pp. 152–81.

⁵ See my article, 'L'armoire et les sens au Moyen Âge', in Éric Palazzo, ed., *Les cinq sens au Moyen Âge* (Paris, 2016), pp. 565–88.

in particular in the case of monumental representations of coats of arms. This is what we may call the ‘reality effect’. The various three-dimensional renderings of heraldic shields, or the reliefs that were often added to monumental representations of coats of arms, partook of this effect: they produced the illusion of seeing a real shield displayed in places where the authority of that shield’s bearer was exerted. From the early thirteenth century this ‘reality effect’ was often produced by the simple depiction of the ‘guige’, which was the strap that enabled the knight to carry the shield from his neck or over his shoulder. This small detail was often represented in a realistic manner, and this was enough to give the illusion of the shield’s materiality, even if the shield itself was reduced to its most basic two-dimensional representation (Plate 2).⁶ This illusion became stronger when the shield was tilted, as if the weight of the shield – which was larger and heavier in its upper part – had made it slide on the strap to one side or the other.

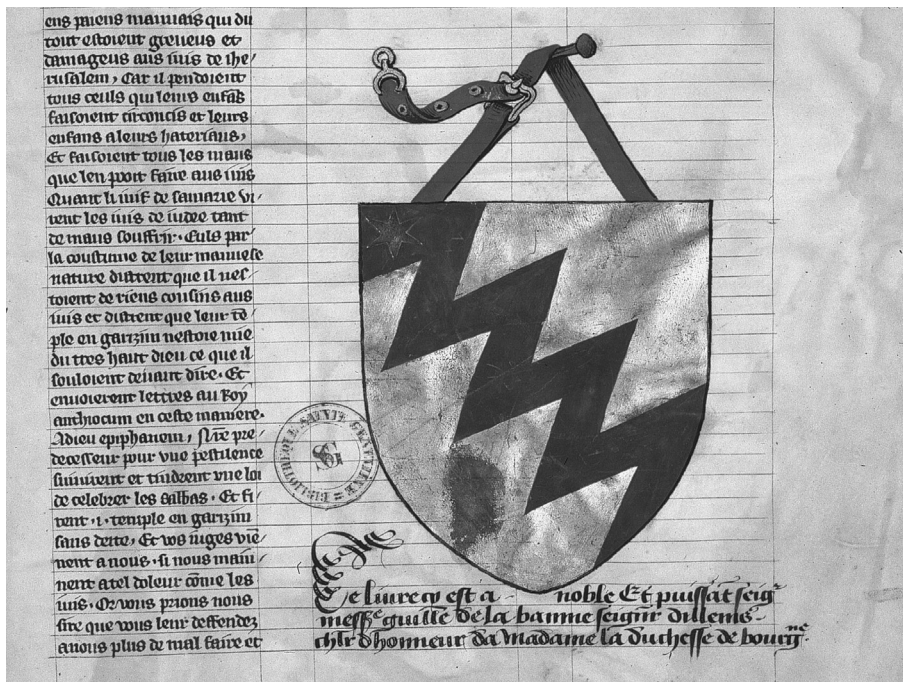


Plate 2: *Ex-libris* of Guillaume de la Baume, Paris, Bibliothèque Sainte-Geneviève, Cliché IRHT, MS 20, fol. 248

⁶ At the end of the Middle Ages, the technical solutions used to produce the material reality of the armorial shield became more precise: they also stressed increasingly the gap between the heraldic image – whose inspiration was still Romanesque – and the stylistic vocabulary in which it became established. Bas-relief carving and the forms of the shield (targe or champron) referred more and more to real objects which were meant to make heraldic insignia and their medium come into existence.

These two elements created a kind of virtual suspension of heraldic insignia, like *trompe-l'œil*. Sources are lacking to link precisely this type of image to a specific legal practice, but the texts are replete with mentions of shields suspended from doors, windows or trees. Such devices enabled knights to take temporary possession of a specific space, either because they wished to establish their residence there, or to make themselves known, or to exert their military or legal authority. The way legal spaces in the Middle Ages were translated into a system of signs has been partly studied.⁷ This phenomenon reveals the significance of these exhibitions in the definition of authority: there was no justice hall without suspended armorial shields. The position of the shield exhibited in this way, between heaven and earth, God and humankind, added yet more symbolic power to the discursive ability of heraldic insignia.

Most representations of suspended shields seem to have been linked to the intention of exhibiting some kind of presence, including cases where the bearer of the coats of arms was absent. The choice of shapes, media and spaces for such exhibitions was often crucial from a symbolic point of view, and could reinforce the illusion of presence. In buildings, priority was given to locations close to thresholds and passage-ways, or to areas producing heat and light such as the hearth, the lintel of the mantelpiece, or window frames.⁸ Representations of the suspended shield are even found in unexpected spaces such as books, where the coat of arms demonstrated the presence of the book-owner instead of or in addition to the *ex-libris*. Occasionally, suspended shields also associated different coats of arms into a type of armorial decoration which became popular at court in France and England from the mid-thirteenth century onwards.⁹

Helm, crown, collar and cry

From the mid-thirteenth century, there was a variant in the representation of coats of arms on seals: this was the tilted crested shield, which was first reserved for the higher aristocracy and was then gradually used by all bearers of coats of arms.¹⁰ This abstract of the equestrian type contributed to the process of anthropomorphization of heraldic insignia. The heraldic shield already had a right side

⁷ René Jacob, *Images de la justice: Essai sur l'iconographie judiciaire du Moyen Âge classique* (Paris, 1994).

⁸ In this context the frequent representations of shields suspended from trees also link the heraldic image and this principle of life, of creative force.

⁹ Matthew Paris records that during a stay in Paris, Henry III attended a feast at the Temple: on this occasion a heraldic decor was used. See Michael Michael, 'The Privilege of "Proximity": Towards a Re-definition of the Function of Armorial', *JMH*, 23/1 (1997), pp. 55–74.

¹⁰ It is now accepted that this representation does in fact summarize the equestrian war figure which is found on princely and seignorial seals; these represented the knight in full heraldic attire. The small size of some counter-seals explains why the larger image was reduced to the single mention of the tilted shield with a helm and a crest. See Max Prinnet, 'L'origine du type des sceaux à l'écu timbré', *Bulletin Archéologique du Comité des Travaux Historiques et Scientifiques*, 1910, pp. 63–75.

and a left side: this was the heraldic body of the knight. This was now completed by the crested helm, which was both an emblem and an object, both a mask and a helm. The result of this was a kind of 'heraldic face' for the bearers of coats of arms. What the crest and the ritual functions of the helm did was to introduce a form of individuality in heraldry, thereby making it increasingly possible for heraldic insignia to personify their bearers – whether the latter were present or not.¹¹ The association of shield and helm reinforced this latent ability of the heraldic image. From the mid-fourteenth century, crowns (for sovereign princes), and in an ecclesiastical context hats, mitres and tiaras, were depicted above shields; this increasingly turned the armorial shield into the heraldic body of its bearer.

From the mid-fourteenth century also the development of mottos and chivalric orders led to the depiction of the collar of the order (in orders such as the Golden Fleece, the Garter or Saint-Michel) around the shield as it would be worn around the neck of its owner. This shows that the coat of arms was really thought of as the physical body of its bearer. Finally, about the same time, banderoles inscribed with slogans or battle cries were frequently depicted in association with heraldic representations.¹² Paradoxically, they begin to appear in heraldic display just as their civil use was either forbidden or becoming out of date. When added to other forms of heraldic display, however, they simulated a kind of prosopopeia of coats of arms: these became sounds as well as pictures.

A signum among others

In order to analyse precisely the potential of heraldic emblems to materialize the presence of the persons they stood for, one has to set these signs in the context of symbolic objects in general, not exclusively armorial objects – in the context, that is, of objects that could in the medieval period embody the authority they were representing. The properties of the seal have already been discussed. One may also quote the role played by different types of stave, verger and mace: by playing on transmission, form and matter, these became incarnations of sovereign or lordly authority.¹³ One particular object, the glove, offers a significant comparison with the armorial shield. Like the shield, the glove was invested with a deep symbolic meaning. As part of military gear it was used as an intermediary for action; it was an essential extension of the body in most social and ritualistic

¹¹ On this point see my article 'Caput regis, corpus regni: Le heaume de parement royal à la fin du Moyen Âge', in Martin Aurell *et al.*, eds, *Une histoire pour un royaume* (Paris, 2010), pp. 17–28.

¹² On this matter see my articles: 'Les cris écrits: L'apparition des cris, mots emblématiques et sentences dans l'héraldique médiévale; Un regard sur la voix et l'écrit', *Pris-ma*, 45–6 (January–December 2007), pp. 22–52; 'Cris de guerre et d'armes: Formes et fonctions de l'emblème sonore médiéval', in Laurent Hablot and Laurent Vissière, eds, *Les paysages sonores du Moyen Âge et de la Renaissance* (Rennes, 2015), pp. 157–71.

¹³ See my article 'Le bâton du pouvoir dans l'image médiévale', in Michel Pastoureau and Olga Vassilieva-Codognot, eds, *Des signes dans l'image: Usages et fonctions de l'attribut dans l'iconographie médiévale (du Concile de Nicée au Concile de Trente)* (Turnhout, 2015), pp. 189–205.

functions, an image of its bearer and of his or her authority. One may illustrate this with the example of the hanging of gloves on market crosses. These crosses demonstrated the peace and the warranty given by the sovereign to what were essential spaces in medieval towns. On the stone or wooden cross the (right) glove as well as the sword or the shield of the king or prince would be suspended: this was a significant demonstration of his authority and of his presence.¹⁴

This type of emblem acquired immediately a very specific status: for the whole period under study this was going to determine the features and practices of heraldry, in particular its use as a living symbol for lordly authority.

Heraldic Practices and Demonstrations of Absent Authority

The application of the principles stated above is verified mainly in the multiple heraldic practices that were developed during the medieval period. The ability of heraldic insignia to represent the bearer of the coat of arms was naturally exercised in the context of sovereign or feudal functions; but it was equally made use of in the expression of spiritual or personal aspirations.

Signing space

One of the main exhibitions of lordly authority was the more or less systematic placing of the power-holder's coat of arms in the main symbolic places of their territory. This process of marking territory with heraldic insignia is mainly seen in the central building – whether castle or palace – where power was exerted: there, few places were left without coats of arms, though these appeared mainly, as we have seen, on elements that may be described as the most efficient in terms of symbolism. In these centres coats of arms were applied to most movables and buildings.

From there the process of 'signing space' spread over the whole territory under the authority of the prince, thanks to boundary stones and heraldic posts or castle or town walls, sometimes expressing power that was shared or ranked according to hierarchy. Among numerous examples, that of the town of Poitiers is instructive, since it could boast of an important heraldic decor which is to some extent still visible or that we know existed in the later Middle Ages.¹⁵ Significant heraldic programmes decorated the walls, the palace, the castle, the cathedral, the belfry, the churches and chapels, the fountains and the inns; these mingled the coats of

¹⁴ On this symbolic object see Michel Pastoureau, 'Le gant médiéval: Jalons pour l'histoire d'un objet symbolique', in Agostino Paravicini Bagliani, ed., *Le Corps et sa parure* (2 vols, Florence, 2007), i, pp. 121–37; and the dissertation by Adriane Boussac, 'La symbolique du gant au Moyen Âge', written under my supervision, which quotes Paul Huvelin, *Essai historique sur le droit des marchés et des foires* (1897), p. 350.

¹⁵ The study of this heraldic patrimony is currently the subject of the research programme ARMMA (Armorial Monumental du Moyen Âge) of the CESC of Poitiers: this is an online database (armma.edel) which catalogues all the heraldic representations known in the region Poitou-Charentes. See <http://heraldica.hypotheses.org/1106>.

arms of the sovereign with those of the founders, or of the authorities in charge. Thus a small group of powerful men and institutions co-existed on a long-term basis and were gathered into a procession that was organized according to rank in a learned and precise manner. On the gates of the town, for instance, one found the coats of arms of the mayor, who personified the town, side by side with those of the town itself and below the arms of the duke of Berry and of the king of France. The play on size, repetition and location expressed precisely the chain of powers in action. This type of discourse was fairly frequent in the fifteenth century. This was no mere mention of the promoters of the building works, or a set of marks of property: instead it was a permanent reminder of the authorities in charge in the town's precincts. Around 1380 the building of a gigantic belfry decorated with the emblems of Jean de Berry stressed the significance of occupying the public space with pictures and sounds: the belfry crushed the town under its weight and height, and imposed the time of the duke upon all the inhabitants, thanks to an up-to-date clock and an outsize bell, also adorned richly with heraldic emblems.

The media for this permanent reminder of the authorities in charge were many: in medieval sources we find frequent mentions of heraldic banners and pennons which made it possible to impose the heraldic presence of the bearer of arms either temporarily or permanently.

Under the fleurs-de-lis: heralds, trumpeters, sergeants and messengers

This diffusion of heraldic sovereignty could also be embodied. Messengers riding horses with trappers decorated with the arms of their employer, trumpeters playing instruments decorated with a heraldic banner, sergeants and ushers holding their heraldic staffs were all go-betweens for authority. Thanks to heraldry they embodied the person of their master. From the late fourteenth century it was primarily heralds who were vested with the lordly and knightly representation of their employer, through the use of a particular form of coat armour, the tabard. This short coat was entirely covered in emblems and normally worn on top of armour during knightly events: it was first worn equally by lords and heralds, and then exclusively by the latter, who thus acted as an ideal image of the prince.¹⁶ Wherever the herald was present with these insignia, or whenever he spoke publicly, he embodied the person whom he represented; he was protected by the rule of official safeguard and cultivated all the virtues which honoured chivalry.

Making the sacred heraldic

The transformation of sacred spaces into spaces marked with insignia throws even more light on the specific features of heraldry and the ability of emblems

¹⁶ See my article 'Revêtir le prince: Le héraut en tabard, image idéale du prince', *Le héraut figure européenne* = *Revue du Nord*, 88/366–7 (July–December 2006), pp. 755–803. See also *The Herald in Late Medieval Europe*, ed. Katie Stevenson (Woodbridge, 2009).

to express the presence of their users. The presence of heraldry in sacred spaces was the result of multiple factors: the cult of the founder's or donors' memory, the right to be buried in a particular space, the exhibition of military ex-votos and so on.

This 'privilege of proximity'¹⁷ led powerful people to festoon places of worship with their coats of arms: at the end of the Middle Ages, sacred spaces were becoming like heraldic galleries. In these 'live armorials' we see at work a learned hierarchical distribution of privileges, rights and powers between the main liturgical places of the building, starting with the high altar, the choir vault and the main window. The emblazoned church, however, was not simply a social manifesto or an inventory of the social and economic hierarchies of the parish – or (in the case of cathedrals) of the city; the obsessive positioning of coats of arms *ad sanctos*, as close as possible to sacred objects, was not only a medium for remembering the dead. This practice, moreover, was extended via the transformation of sacred silver, prayer books and liturgical vestments into a system of insignia. In this case what was at stake was to be present at saintly mysteries and systematically to take part in them, whether one was physically present for the celebration or not. In the French kingdom the ubiquitous presence of the arms of the sovereign at places of honour in churches expressed his political domination, but his heraldic presence at every liturgical celebration also invited the faithful to pray for their king.¹⁸

In the numerous beatific visions represented in medieval religious art, whether in books of hours, windows or mural paintings, the place taken by coats of arms indicates the eschatological role that was progressively devolved to heraldry. The donor is usually represented in prayer in front of a divine or saintly figure, and is closely associated with his own arms. These often precede him into heaven in order to introduce him to God; there they also present to divine judgement the earthly actions of the one whom He has placed as a guide for his fellow Christians and who is deemed responsible for their salvation. The image of the shield supported by two angels was clearly inspired by ancient *imagines clipeatae*, which represented the dead in the other world supported by two winged *genii*. It suggested the ascension to heaven of the heraldic insignia, which announced the salvation that the bearer of the coat of arms would hope for. To some extent the heraldic display of funeral art – a perfect political and social manifesto – partook of the same intention: the coats of arms displayed on both sides of the body of glory represented on the tomb were those that the dead had wished to be associated with when presented to his Creator, whether these arms were his own, those of his parents or of his kin.

¹⁷ Michael, 'The Privilege of "Proximity"'.
¹⁸ For instance, at the end of the nave of Notre-Dame of Paris, a life-size equestrian statue of Philip IV (1285–1314) in full heraldic dress reminded all of his victory at Mons-en-Pévèle (1304) and of the thanksgiving perpetually celebrated by his image.

Churches express best the ability of medieval mentalities to transcend time and space and to bring together the real and the virtual. The eschatological use of heraldry in this context stressed the transcendental dimension of heraldic insignia. It also fed its political role.

Making heraldry sacred

The close links between heraldry and the sacred were in particular developed on the coats of arms of sovereigns. Already in the late twelfth century, when they adopted heraldic arms, the French kings encouraged the creation of a significant set of legends. With time these became increasingly elaborate and finally led to the famous legend of Joyenval. This used the model of Constantine's chrism in order to show God's gift of the *fleur-de-lis* to Clovis. The mythical shield was even venerated in the abbey of Joyenval (Yvelines), and this contributed to the cult of royal arms. In reality the French kings shared these arms with a number of saintly kings and queens, such as Clovis, Clotilde, Radegonde, Charles the Great, Julian, Denis and so on. The anecdotal dimension of such tales and pictures should not mislead us: the heavenly nature of royal arms sustained the process of sacralization of power. This was so effective that most European monarchies borrowed it, starting with the great English rival, Edward III (1327–77), who gave Saint George the role of intermediary in the divine concession of his leopards.¹⁹ The same process is to be observed for legends surrounding the concession of princely arms in Brittany, Aragon, Portugal, and so on.

National arms were as much the arms of the prince as those of his State and of his people. Their versatility ensured that all could take advantage of the legendary re-telling which turned every nation into a chosen people and thus justified the authority of the person whom God had put in charge. The sacred nature of royal arms is indeed one of the main arguments behind the concept of *lèse-majesté* that protected them.

Heraldic defamations and aggressions

Another sign of heraldry's ability to bring forth a presence *in absentia* is the multiple offenses and aggressions perpetrated against heraldic insignia in lieu of their bearer. The examples for this are numerous, and fall into two main categories: spontaneous aggressions against coats of arms, and the judicial ritual punishing the crime of treason.

In the first instance the examples known to us clearly establish that an attack on a coat of arms was a way for the holder to be reached when absent or too powerful to be directly mistreated. The reactions against such attacks testify to their effect. *Les grandes chroniques de France* quote the case of Jourdain IV, lord of Lisle, who around 1260 ordered his men to seize some royal officers 'et despoiller tous

¹⁹ On this matter see my article 'The Sacralisation of the Royal Coats of Arms in Medieval Europe', in M. Herrero, J. Aurell and A. C. Miceli Stout, eds, *Political Theology in Medieval and Early Modern Europe: Discourses, Rites, and Representations* (Turnhout, 2016), pp. 313–36.

nuds, puis leur fist par force tomber les testes en bas et leur bouter leurs propre maches, c'est-à-dire leurs bastons roiaulz dedens leurs fondemens, et en tel estat les fist mourir'.²⁰ This attack was judged as a crime of lèse-majesté. In this case royal authority had indeed suffered a double damage: a representative of the king had been personally attacked while wearing royal emblems, and these were also defamed by this cruel gesture. Another case dates from 1317: the abbot of Sarlat had placed his new foundation, the bastide of Saint-Sardos in Agenais, under the legal dependency of the king of France by erecting a board with the *fleurs-de-lis*. Ramon-Bernat de Montpezat, a neighbouring lord who was in the allegiance of the English king-duke, took issue with the foundation. On the eve of the inauguration ceremony he attacked Saint-Sardos with his men and hanged the royal sergeant from the post with the *fleurs-de-lis*.²¹ In 1412, the duke of Lorraine was recognized as being guilty of lèse-majesté and condemned by the Parlement of Paris for having invaded Neufchâteau – a town disputed by the king and the duke – and drawn from his horse's tail (this was a defaming ritual) the *fleurs-de-lis* signs that had been erected there on the order of the king.²²

In the later Middle Ages, these attacks against heraldic insignia, combined with other customary practices of defamation, became a frequent judicial ritual in the punishment of treason.²³ From the early fourteenth century, perhaps under the influence of tournament rituals, one observes with increasing frequency the public exhibition, upside down, of the shield of the knight considered as a traitor to his lord, his rank, his duty and, most of all, his word. This practice became even more common with the multiplication of ransoms in the context of the Hundred Years War. It also went on being used in tournaments: according to the treatise of René of Anjou, any combatants who had been condemned for their unworthy attitude were placed astride the barrier that separated the lists and beaten. They were then either reintegrated in the tournament after paying a fine or simply excluded.²⁴ Displaying the shield upside down (*subuersio armorum*), which until

²⁰ *Les Grandes Chroniques de France*, ed. J. Viard (10 vols, Paris, 1953), ix, pp. 16–17, quoted in Claude Gauvard, *'De grace especial': Crime, état et société* (2 vols, Paris, 1991), ii, p. 845.

²¹ Quoted in Guilhem Pepin, 'Les cris de Guerre 'Guyenne!' et 'Saint-Georges!': L'expression d'une identité politique du duché d'Aquitaine anglo-gascon', *Le Moyen Âge*, 112 (2006), pp. 262–81, at 2, n. 9.

²² Quoted in Colette Beaune, *Jeanne d'Arc* (Paris, 2004), pp. 32–3.

²³ See Matthew Strickland, 'All brought to nought and thy state undone': Treason, Disinvestiture and the Disgracing of Arms under Edward II', in Peter Coss and Christopher Tyerman, eds, *Soldiers, Nobles and Gentlemen: Essays in Honour of Maurice Keen* (Woodbridge, 2009), pp. 279–304. See also my article, '"Sens dessusz dessous": Le blason de la trahison au Moyen Âge', in Maïté Billoré and Myriam Soria, eds, *La trahison au Moyen Âge: De la monstruosité au crime politique (Ve–XVe siècle)* (Rennes, 2009), pp. 331–47.

²⁴ The *Livre des tournois du roi René* is a good illustration of these practices. The punishments meted to the offenders refer to practices that were still current in the later Middle Ages: see the mid-fifteenth-century case mentioned by Nicole Gonthier (*Le Tournoi au Moyen Âge* (Paris, 2003), p. 19) of a bourgeois of Basel whose helm was defamed and drawn at Schaffhouse.

then had meant the death of the bearer of the coat of arms,²⁵ was now expressing social death.

Sharing and uniting coats of arms

Heraldic insignia tended to abstraction, and this was also applied to the ways coats of arms were designed or associated. From the late twelfth century, there are various examples of coats of arms being combined: on the same shield one might find the coats of arms of two partners in arms, specifically the sponsor of the dubbing ceremony and the new knight. Examples include the arms worn in 1179 by Hugues IV of Candavène (partition of England and Candavène),²⁶ and those worn 'pro amore regis Angliae' by Emperor Otto IV (partition of England and the Empire) c. 1190. Several knights of the entourage of Philip Augustus or of that of his son, who may have been dubbed by the sovereigns, also adopted such parted coat of arms. This translation into heraldic insignia of a specific kind of affinity illustrates clearly the ability of the former to produce a metaphor of two knightly bodies united into a single whole by the links of chivalry. Indeed, the expression of knightly affinity led to coats of arms being shared in different ways, and these testify to the ontological dimension of the heraldic sign. Brothers in arms and partners in arms could thus display their mutual affection through the joint exhibition of their coats of arms, whether in armorials²⁷ or on their tombs.²⁸ Another way to display such relationships in heraldic terms was to exchange helms or caparisoned horses²⁹ or shields. Such shields were sometimes doubled up in order to create a perfect heraldic twinning, a 'semblance', according to medieval terminology.³⁰ Bestowing heraldic chiefs with the arms of the sovereign was another relatively frequent practice in the later Middle Ages, one which used different terms and situations to play on the metaphor of the shield as a

²⁵ This is, for instance, the case in the marginal pictures of the *Cronica Majora* of Matthew Paris, and on the occasion of funerals or chivalric offerings: see Francesca Espanol, "El correr les armes": Un aparte caballeresco en las exequias medievales hispanas', *Anuario de Estudios Medievales*, 37/1 (2007), pp. 867–905.

²⁶ On this question see my unpublished dissertation for the Habilitation à diriger des recherches: 'Affinités héraldiques: Concessions, augmentations et partages d'armoiries au Moyen Âge' (Sorbonne, 2015).

²⁷ Werner Paravicini, 'Heraldic Twins: Sir Reginald of Cobham and Sir William Fitzwarin', in Ulf Christian Ewert *et al.*, eds, *Noblesse. Studien zum adeligen Leben im spätmittelalterlichen Europa* (Ostfildern, 2012), pp. 487–514.

²⁸ Frédérique Lachaud, 'La représentation des liens personnels sur les tombeaux anglais du XIV^e siècle', in David Bates *et al.*, eds, *Liens personnels, réseaux, solidarités en France et dans les îles Britanniques (XIe–XXe siècle)* (Paris, 2006), pp. 127–52.

²⁹ Jean-Bernard de Vaivre, 'Échanges et adoptions d'armoiries au XIII^e siècle', *Comptes rendus des Séances de l'Académie des Inscriptions et Belles-Lettres*, 126/2 (1982), pp. 371–83; Laurent Hablot, 'Masque de guerre et don des armes: Les échanges de cimiers, une pratique chevaleresque à la fin du Moyen Âge', in Catalina Girbea, ed., *Armes et jeux militaires dans l'imaginaire, XIIe–XVe siècles* (Paris, 2016), pp. 241–68.

³⁰ Siegrid Düll, Anthony Luttrell and Maurice Keen, 'Faithful unto Death: The Tomb Slab of Sir William Neville and Sir John Clanvowe, Constantinople 1391', *The Antiquaries Journal*, 71 (1991), pp. 173–90.

body: the chief, the 'patron', places his arms on the chief – the upper part of the shield – thus subjecting those of his 'client' to his own.³¹ In the later Middle Ages, to bestow coats of arms was a way to reward partners in arms and members of the king's affinity; it was also used to honour the sons of the Patria who were worthy of reward and who thus became the 'children' of the king. It even seems that the combination of arms in the context of affinities preceded the combination of married women's coats of arms with those of their husband or father – a device that became predominant among coats of arms for married aristocratic women in the mid-fourteenth century. With the development of the heraldic partition to represent alliance, the union of carnal bodies was echoed once again in the union of heraldic bodies.

The beneficiaries of such concessions of arms were sometimes the same as the members of the royal kin who in the late fourteenth century assumed more or less spontaneously the right to mention the *fleur-de-lis* of a particular ancestor in some subtle combinations of heraldic arms with multiple quarters. In the later Middle Ages, younger sons of the royal family, distant kinsmen and beneficiaries of grants of arms all helped to spread the *fleur-de-lis* throughout the kingdom and to relay the heraldic presence of the king.

Theorizing heraldic arms; honouring the arms

Overall these analyses and interpretations come more from the observation of actual uses than from the direct reading of textual sources. Like most medieval practices which were strongly anchored in tradition, use had force of law and there was no need to write down what most people already knew. However, the efforts to normalize and theorize which came with the birth of the State led jurists to resort to law and theory in order to frame these practices. When it came to the issue of representation, the significance of the signs of sovereign authority accounts for the interest of these authors in the object itself. This is to be seen, for instance, with Charles V (1364–80), who showed strong interest in the royal arms. These were now systematically crowned, supported by angels, and reduced to three *fleurs-de-lis* in honour of the Trinity.

The first treatise of heraldic law is the *De insigniis et armis* of Bartolus de Saxoferrato, which we have already mentioned. This was written in 1356 and became the foundation for heraldic law as well as for the practical and legal theory of blazon.³² As we saw earlier, among a variety of practical and technical questions, the author attempted to define, albeit in a somewhat confused manner, the principle of the inversion of laterality, and he concluded that there was indeed a person behind every single coat of arms. He dealt with the principles governing the display of arms in public space, stressing the hierarchical organization of the picture; he also underlined the promotion of the sovereign's arms, which held an

³¹ This practice is analysed in detail in my Habilitation dissertation, 'Affinités héraldiques'.

³² About a hundred medieval copies of this text have survived.

authoritative place in this scheme.³³ Bartolus worked out the hierarchical value of the various coats of arms by placing the arms bestowed by the prince above the ones that were freely chosen. He thus based the authority of the sovereign upon the heraldic expression of his subjects. Until the early sixteenth century most French and English treatises rested mainly on Bartolus's teaching, and did not expand on any of the conceptual aspects which we are dealing with.³⁴

In the second half of the fifteenth century this new legitimacy of sovereign authority over heraldic practices was illustrated by the famous *Livre des tournois* of René of Anjou (1409–80). This went into further detail on various heraldic practices, among them the honourable ritual of displaying shields outside the windows of houses close to venues for jousts, the trial of the 'display of helms', and the humiliation of the outcast in the lists or through the *subuersio armorum* – the inversion of chivalric signs.

Taken together these principles and practices established clearly the ability of coats of arms, wherever they were displayed, to represent their owners. The exhibition of arms, the supports used to display them and the way they were staged also demonstrated their ability to incarnate the authority of their bearers. This perception of heraldic signs was a formidable tool in the hands of the sovereign, who could use it to express his authority in his absence. And when the prince was present it contributed to increase his power. The way these heraldic exhibitions were used and controlled, and the way they competed with each other, were turned into a power game with high stakes.

³³ 'Sometimes coats of arms are even depicted and painted on walls and buildings. In this case, if the place where the coat of arms is painted is a wall, then it should be treated as a wall with the front facing us: thus one knows how to distinguish the right side of a wall. And thus the face or nobler part of the coat of arms should be turned toward the right side. The aforesaid is true unless for a good reason one does otherwise. What if a figure of a prince or another preeminent person, or perhaps a royal coat of arms, has to be painted in the middle of a wall? In this case, the coats of arms that are depicted on both sides of that figure should be turned toward the figure, thus disregarding left or right, as, for example, with a group of persons who are turning toward their superior. But if the place where the coat of arms is depicted is, for example, the ceiling of a room or a court, then from what was said above one can determine which is the top and bottom of the coat of arms. Now imagine a person depicted on the ceiling and facing us, consider his right and his left side, and thus the correct method of painting and the correct determination of the right and left side of the person will be evident from what was said before.' Bartolo de Sassoferato, *De insigniis et armis*, ch. 33, translation in Osvaldo Cavallar, Susanne Degenring and Julius Kirshner, eds, *A Grammar of Signs: Bartolo da Sassoferato's Tract on Insignia and Coats of Arms* (Berkeley, 1994), p. 156.

³⁴ For France we may quote *Le songe du verger* attributed to Evrart de Tremeaugon, the *Arbre des batailles* by Honoré Bouvet, the *Livre des fais d'armes et de chevalerie* by Christine de Pizan; for England, the *Tractatus de armis* by John de Bado Aureo (1394), the *De studio militari* by Nicholas Upton (1446). On this subject see Evan John Jones, *Medieval Heraldry: Some Fourteenth-Century Heraldic Works* (Cardiff, 1943); and Claire Boudreau, *L'héritage symbolique des bérauts d'armes: Dictionnaire encyclopédique de l'enseignement du blason ancien (XIVe–XVIe siècle)* (Paris, 2006).

Power Games and Power Stakes

Redundancy and amplification

Late medieval sources allow for the reconstruction, with some degree of detail, of the visual contexts in which power was staged – in particular sovereign power. The pervasive character of heraldry in the staging of power has been stressed by specialists.³⁵ In this particular case, heraldry aimed not so much at incarnating a presence as at re-presenting it, i.e. presenting it again. The exhibition of heraldry, sometimes to excess, contributed to the performance of each epiphany of the prince. This is what Michel Pastoureau calls ‘over-emblematization’, and it was a feature of the later Middle Ages which enabled the sovereign to produce the most complete picture possible of his power.³⁶ In particular, the profusion of heraldic representations allowed for play on all the symbolic meanings of the sign, referring simultaneously to the chivalrous dimension of the prince, his lineage, his fiefs, and the power bestowed upon him by God. The prince was personally present in the spaces covered in his heraldic arms: from the floor-tiles to the beams of the ceilings as well as on textile hangings, furniture and objects, this decor made him more powerful than ever. The great demonstrations of power such as justice sessions, parliamentary assemblies, coronations, or town entries are witnesses to this performance of emblematic saturation.

This discourse was also often spread or made more precise by other types of emblem. The crested helm carried a particular message which exalted the chivalrous nature of the prince and referred to him as the first of his kingdom’s knights. This was deeply significant at a time when princes were beginning to master the just exercise of armed force and to turn chivalry into an instrument of their military and social power.³⁷ The development of war cries played a significant role in this evolution: these signs were both more personal and more symbolic than coats of arms, and they were also shared by a larger number of individuals.³⁸ It thus became possible to play on the different natures of the person of the prince, who was both invested with virtues and considered to be the incarnation of the sovereign function. The simultaneous or successive staging of these signs in locations of power resorted to the virtual dimension of the emblem in order to clarify the real nature of the person it represented.³⁹

³⁵ Christian de Mérindol, ‘Le prince et son cortège: La théâtralisation des signes du pouvoir à la fin du Moyen Âge’, in *Les princes et le pouvoir au Moyen Âge: Actes des congrès de la Société des Médiévistes de l’Enseignement supérieur public, Brest, 1992* (Paris, 1993), pp. 303–23.

³⁶ Michel Pastoureau, ‘La naissance de la médaille: des impasses historiographiques à la théorie de l’image’, *Revue Numismatique*, 6th ser. 30 (1988), pp. 227–47 at 230.

³⁷ See my article ‘Caput regis, corpus regni’, pp. 17–28.

³⁸ On medieval heraldic badges and mottos see my unpublished doctoral dissertation ‘La devise, mise en signe du prince, mise en scène du pouvoir’, and the online database DEVISE (<http://base-devise.edel.univ-poitiers.fr/index.php?id=1429>).

³⁹ See my article, ‘Le décor emblématique chez les princes de la fin du Moyen Âge: Un outil pour construire et qualifier l’espace’, in *Construction de l’espace au Moyen Âge: Pratiques et représentation. XXXVIIe Congrès de la SHMES, Mulhouse, 2–4 juin 2006* (Paris, 2007), pp. 147–65.

Competitions and substitutions

The potentialities attached to heraldic signs turned them into a power stake which was essential for taking possession of space as well as for the lasting affirmation of authority in particular locations. The boundaries of fiefs were always marked with heraldic arms and this clearly reflected the political dimension of heraldry. But the media for this were varied. In France, for instance, the extension from the thirteenth to the fifteenth century of the king's overlordship, and then of his sovereign power, over the whole kingdom was reflected in and enacted by the diffusion of the *fleurs-de-lis*: this started in Languedoc in the thirteenth century and then spread as far as Burgundy, Anjou, Berry or Brittany in the fifteenth. The king became omnipresent, and through his use (or that of his jurisdictions) of seals bearing his coats of arms, he imposed his image everywhere as the guarantor of security, peace, equity and justice. This was also achieved by the king sharing his coat of arms with cities, churches and abbeys, by the use of coins, standards or measures stamped with his arms, and finally by the display of signs in locations of power, cult or patronage such as castles, churches, urban walls, 'montjoies', calvaries, gallows, fountains and bridges. The use of emblems by representatives of the king also contributed to this development: their seal, tabard, colours, trumpet and mace advertised the delegated power bestowed upon them. The use of heraldry in places where judgements were rendered is probably the best illustration of the impact of the presence of heraldry. Whether in the great chamber of the Parlement in the Palais de la Cité in Paris, in the great *aulae* of provincial Parlements or in some modest rooms on the margins of the kingdom, the *fleurs-de-lis* stood as a constant reminder of the authority, consecrated by God, in whose name local justice was dispensed.

In this context it is easier to make sense of the proper 'war of signs' waged by princes, the king and his vassals in the many conflicts that took place in the last centuries of the Middle Ages. Heraldic conflicts are frequently dealt with in normative and narrative sources, and they range from the modest contests over precedence (these often took place between local lords who were jealously guarding their honour, in particular on public occasions) to the systematic policy of heraldic destructions applied by the sovereigns. Such destructions were an indispensable part of the process of taking power following a victorious military campaign or a successful siege. The conquest of Aquitaine for instance was followed by Bordeaux changing its heraldic arms; the taking of Burgundy by Louis XI led to the emblems of Burgundy being tracked down and destroyed; the annexation of Brittany was followed by the diffusion in churches and chapels of the pattern of bellows in the shape of *fleurs-de-lis*.

The king as unique bestower of coats of arms

From the early fourteenth century a number of joint actions reveal how sovereign power attempted to control the use of heraldry by subjects.⁴⁰ This policy was

⁴⁰ See my article 'La captation royale de l'expression emblématique à la fin du Moyen Âge', in Silvère Menegaldo and Bernard Ribémont, eds, *Le roi fontaine de justice: Pouvoir justicier et pouvoir royal au Moyen Âge et à la Renaissance* (Orléans, 2012), pp. 223–40.

enforced through treatises on the superiority of the coats of arms bestowed by the prince; it was also applied by giving some form of sacredness to sovereign coats of arms, and by allowing the king's agents to take decisions on matters of heraldic law. Listing coats of arms and controlling emblems and practices such as heraldic visitations, and finally applying sanctions against the emblems of the persons subjected to the king's justice also contributed to the enforcement of this policy.

This curtailing of 'emblematic freedom' happened all over Europe, in parallel with the imposition of more general restraints on the nobility's military, judicial and monetary powers.⁴¹ It was sustained by the development of colleges of arms and by the powers delegated to heralds.⁴² This clearly aimed at making the sovereign the single source of coats of arms, the fount of heraldic justice. Various treatises dwell on the distinction between the actual bearing of coats of arms and noble status, but this is in opposition to established uses, in which the two were often confused. That confusion was also encouraged by chancery practices, and contributed to the process by which the bestowal of noble status and coats of arms became central to the Crown's strategy for securing the submission of the elites. Strikingly, letters of the sovereign conceding the augmentation of arms (when the donor concedes the honour of adding part of his own arms to those of the beneficiary) claimed to 'ennoble' individuals who could already boast an ancient lineage, or coats of arms which were already prestigious.

In the sixteenth century coats of arms and noble rank always referred to royal authority: this was authorized by divine delegation to concede whatever the king had received from God. In this cascade of honours and distinctions, the symbolic presence of authority is permanent and it is even often repeated by the mention of royal arms in most public exhibitions of heraldic devices.

Coats of Arms and the Portrait: The End of the Process

From the late fourteenth century this emblematic presence of the sovereign *in absentia* rested on the diffusion of realistic portraits. This type of representation had appeared a few decades earlier, initially exclusively on prestigious media which circulated within narrow circles, such as paintings on wood or linen, manuscript illuminations, medals, and in a context that was mainly religious. It was almost exclusively associated with heraldic emblems and mottos, and represented as completely as possible the various facets of the princely person: feudal, political, spiritual or courtly.

In the late fifteenth century, this realistic image of the sovereign was spread much more widely through coins struck with the portrait of the prince – such as the 'Teston' of Louis XII (1498–1515) – and on other media such as mural

⁴¹ In England nobles lost the right in the fifteenth century to concede (to grant?) their coats of arms and to use their war-cries.

⁴² Anthony Richard Wagner, *Heralds and Heraldry in the Middle Ages: An Inquiry into the Growth of the Armorial Function of Heraldry* (Oxford, 1956), pp. 68 and 123.

paintings. Through these the prince imposed his presence with a clear political aim in mind, over the whole space he controlled. What was at stake was not so much the representation of sovereign authority, which was temporarily incarnated in a prince, as the need to make visible to all the person of the king as father of his subjects.

Much more than today, medieval people were used to conceptualizing signs: they perceived the heraldic emblem as the almost perfect double of its owner. This ability of the armorial shield to make a person present *in absentia* was partly based on the practice of the Eucharist: it enabled the sovereign to operate a kind of transformation through the mediation of his coat of arms. The sensitive perception of this virtual presence was such that it sometimes led to a real transubstantiation: the bearer of a coat of arms was really present in his emblematic sign. This medieval reality is epitomized by the episode of the armorial portrait of Charles of Blois (d. 1364) painted in the Franciscan convent of Dinan: in 1369, while being erased on the order of the new duke, Jean IV, the picture started to bleed.⁴³

⁴³ Laurent Héry, 'La "sainteté" de Charles de Blois: Vertus et *virtus* d'un duc de Bretagne', in Louis Lemoine and Bernard Merdrignac, eds, *Corona monastica: Mélanges offerts au père Marc Simon*, Britannia monastica, 8 (2004), pp. 299–309. In early February 1369 Jean IV was in Dinan in order to welcome Breton nobles there. The duke discovered in the church of the Franciscan convent where he was residing a portrait of Charles of Blois with the arms of Brittany. He ordered the destruction of the picture. A few days later blood flowed from the picture.

While the Bishop's Away ...: Absentee Bishops of Parma during the Investiture Contest

ROBERT HOUGHTON

At the start of the eleventh century the bishops of northern Italy were among the most powerful figures in the region. They typically held a broad array of lands, rights and jurisdictions and, as a result, they featured prominently within the politics of the Empire.¹ By the early decades of the twelfth century, the position of many of these bishops had changed dramatically and in many cities their temporal role was drastically reduced.² This collapse of the secular authority of the Italian bishops is often linked to the Investiture Contest and a broader failure of imperial power in northern Italy.³ It is argued that the Investiture Contest and, in particular, the installation of reforming bishops in Italian cities during this period caused the decline of their secular power.⁴ This is in stark contrast with the bishops of the 'Imperial Church System' of previous centuries, who are

- ¹ P. Brezzi, *Roma e l'impero medioevale (774–1252)* (Bologna, 1947), pp. 117–18; V. Fumagalli, 'Il potere civile dei vescovi italiani al tempo di Ottone I', in C. G. Mor and H. Schmidinger, eds, *I poteri temporali dei vescovi in Italia e in Germania nel Medioevo* (Bologna, 1979), pp. 77–86, at 77; G. Albin, 'Vescovo, comune: Il governo della città tra XI e XIII secolo', in R. Greci, ed., *Il governo del vescovo: Chiesa, città, territorio nel Medioevo parmense* (Parma, 2005), pp. 67–85, at 67; J. W. Bernhardt, 'King Henry II of Germany: Royal Self-Representation and Historical Memory', in G. Althoff, J. Fried and P. J. Geary, eds, *Medieval Concepts of the Past* (Cambridge, 2009), pp. 39–70, at 49–50.
- ² O. Banti, "'Civitas" e "comune" nelle fonti italiane dei secoli XI e XII', in G. Rosseti, ed., *Forme di potere e struttura sociale in Italia nel Medioevo* (Bologna, 1977), pp. 217–32, at 231–2; R. Bordone, *La società cittadina del regno d'Italia: Formazione e sviluppo delle caratteristiche urbane nei secoli XI e XII* (Turin, 1987), pp. 7–18; C. Wickham, 'The Sense of the Past in Italian Communal Narratives', in P. Magdalino, ed., *The Perception of the Past in Twelfth-Century Europe* (London, 1992), pp. 173–90, at 185–6; E. Coleman, 'Sense of Community and Civic Identity in the Italian Communes', in J. Hill and M. Swan, eds, *The Community, The Family, and The Saint: Patterns of Power in Early Medieval Europe: Selected Proceedings of the International Medieval Congress, University of Leeds, 4–7 July 1994, 10–13 July 1995* (Turnhout, 1998), pp. 45–60, at 45.
- ³ C. Wickham, 'Getting Justice in Twelfth-Century Rome', in C. Dartmann *et al.*, eds, *Zwischen Pragmatik und Performanz: Dimensionen mittelalterlicher Schriftkultur* (Turnhout, 2011).
- ⁴ J. K. Hyde, *Society and Politics in Medieval Italy: The Evolution of Civil Life, 1000–1350* (London, 1973), p. 41; M. Guenza, 'Pastori e signori: La grande potenza dei vescovi parmensi', in Greci, ed., *Il governo del vescovo*, pp. 47–66, at 53.

traditionally presented as loyal supporters of the emperor, chosen from his court and empowered through his intervention.⁵ The bishops were no longer magnates of the empire concerned with upholding imperial power, but rather tools of the Gregorian reformers dedicated to removing themselves from the corruption of the secular world. This broad narrative of the Investiture Contest has overshadowed analysis of political change on a local level. Many bishops did lose their secular roles during this conflict, but closer inspection of the charter sources suggests that this was more a result of prolonged physical or political absences from their see than an immediate consequence of changing ideologies. This paper will take the bishops of Parma as a case study to demonstrate the gradual nature of this transformation of the political position of the Italian bishops and to highlight the importance of the absence of the bishop in this transition.

Twenty-first-century studies by Miller, Cushing and Stroll, among others, have provided extensive and insightful accounts of historiographical trends relating to the Investiture Contest.⁶ As they observe, various historians have highlighted inconsistencies within the narrative of the Investiture Contest and the Gregorian reform movement and how these interacted with the Imperial Church System of the German Empire. Two themes raised by these authors are especially relevant here.

First, the presentation of reform as an activity undertaken by the papacy and opposed by the emperor has been challenged. Local reform movements have been given greater prominence in recent works: Robinson and Miller in particular have shifted the emphasis of reform from a centralized movement driven by the pope in Rome to a series of local initiatives supported by the lower orders of the clergy but driven by the laity.⁷ Likewise, authors such as Schmidt, Tellenbach and Stroll have emphasized that those opposed to Gregory VII and his followers were not necessarily opposed to reform, but rather differed in their views about how this reform should be carried out.⁸ In sum, the Investiture Contest was not just

⁵ J. Fleckenstein, *Die Hofkapelle im Rahmen der ottonisch-salischen Reichskirche*, MGH *Scripten*, 16.2 (Stuttgart, 1966), pp. 40–7; L. Santifaller, *Zur Geschichte des ottonisch-salischen Reichskirchensystems* (Vienna, 1964), pp. 44–9; R. Schumann, *Authority and the Commune, Parma 833–1133* (Parma, 1973), pp. 146–7.

⁶ K. G. Cushing, *Reform and the Papacy in the Eleventh Century: Spirituality and Social Change* (Manchester, 2005), pp. 32–6; M. C. Miller, 'The Crisis in the Investiture Crisis Narrative', *History Compass*, 7/6 (2009), pp. 1570–6; M. Stroll, *Popes and Antipopes: The Politics of Eleventh-Century Church Reform* (Leiden, 2012), pp. 1–7.

⁷ M. C. Miller, 'Clerical Identity and Reform: Notarial Descriptions of the Secular Clergy in the Po Valley, 750–1200', *Rivista di Storia e Letteratura Religiosa*, 32 (1996), pp. 311–32; Miller, 'Religion Makes a Difference: Clerical and Lay Cultures in the Courts of Northern Italy, 1000–1300', *American Historical Review*, 105 (2000), pp. 1097–130, at 1099; Miller, *The Bishop's Palace: Architecture and Authority in Medieval Italy* (Ithaca, NY, 2000); *The Papal Reform of the Eleventh Century: Lives of Pope Leo IX and Pope Gregory VII*, ed. I. Robinson (Manchester, 2004), p. 1.

⁸ G. Tellenbach, *The Church in Western Europe from the Tenth to the Early Twelfth Century* (Cambridge, 1993), pp. 159–60; M. A. Schmidt, 'Der 1061 zu Basel gewählte Gegenpapst Honorius II', in S. Slanicka, ed., *Begegnungen mit dem Mittelalter in Basel: Eine Vortragsreihe*

a two-sided affair of pope against emperor. Bishops, aristocrats and cities were not simply 'Imperial' or 'Papal', but were very much concerned with their own interests and goals.⁹

Second, the nature of the Imperial Church System has come under scrutiny.¹⁰ As numerous authors have demonstrated, although the emperor played a decisive role in the selection of the bishops in this period, this did not guarantee their loyalty.¹¹ Once in office, the bishops under the Ottonians and Salians often owed greater allegiance to their new diocese than to the emperor, and upholding the interests of their diocese could lead them into conflict with him.¹² While bishops invested by the emperor sometimes had personal connections with him, this was no assurance of unwavering mutual support. Instead, the bishops were powerful figures whose backing needed to be courted and maintained, just like that of the secular magnates.

These points present a complex picture of reform within the Investiture Contest: one which is very far removed from a simple conflict between the reforming pope and conservative emperor over the issue of investiture. However, many studies of Church, Imperial or Italian history still reduce this complex political situation to a single-issue church-against-state conflict. Miller has observed this trend and has highlighted a tendency among historians to acknowledge these new arguments only in so far as to accommodate them within the existing narrative, rather than to reconsider the narrative as a whole.¹³ While the political, social and religious nuances of reform and the Investiture Contest have been demonstrated repeatedly, there has been little real change to the overall interpretation.

The changing secular role of the Italian bishops during the eleventh century is a case in point: it remains typical to make a direct connection between the loss of a bishop's secular power and the reconciliation of his see with the pope. In Parma, prior to 1104 the bishops had been close allies of the emperor: Cadalus (1045–72) had been anti-pope, Everard (1072–84) and Guido (1091–1104) were both

zur mediävistischen Forschung (Basel, 2000), pp. 11–20, at 17; Stroll, *Popes and Antipopes*, pp. 243–7.

⁹ J. A. F. Thomson, *The Western Church in the Middle Ages* (London, 1998), p. 94.

¹⁰ Fleckenstein, *Die Hofkapelle im Rahmen*; T. Reuter, 'The "Imperial Church System" of the Ottonian and Salian Rulers: A Reconsideration', *The Journal of Ecclesiastical History*, 33/3 (1982), pp. 347–74.

¹¹ G. Althoff and H. Keller, *Heinrich I. und Otto der Grosse: Neubeginn auf karolingischem Erbe* (Göttingen, 1985), pp. 217–22; E. Hlawitschka, *Vom Frankenreich zur Formierung der europäischen Staaten- und Völkergemeinschaft, 840–1046: Ein Studienbuch zur Zeit der späten Karolinger, der Ottonen und der frühen Salier in der Geschichte Mitteleuropas* (Darmstadt, 1986), pp. 212–15; T. Reuter, *Germany in the Early Middle Ages, c. 800–1056* (London, 1991), pp. 156–8; J. W. Bernhardt, *Itinerant Kingship and Royal Monasteries in Early Medieval Germany, c. 936–1075* (Cambridge, 1993), pp. 27–8.

¹² H. Keller, 'Grundlagen ottonischer Königsherrschaft', in K. Schmid, ed., *Reich und Kirche vor dem Investiturstreit: Vorträge beim wissenschaftlichen Kolloquium aus Anlass des achtzigsten Geburtstags von Gerd Tellenbach* (Sigmaringen, 1985), pp. 17–34, at 26–7; Reuter, *Germany in the Early Middle Ages*, pp. 156–8; Bernhardt, *Itinerant Kingship*, p. 28.

¹³ Miller, 'The Crisis in the Investiture Crisis Narrative', p. 1570.

active in the imperial court and host.¹⁴ These bishops are typically presented as holders of important secular powers. However, Guido's successor, Bernard degli Uberti (1104–33), was an avowed supporter of the successors of Gregory VII and is thus presented as relinquishing his secular powers because of his adherence to Gregorian ideologies.¹⁵ In reality, as I will demonstrate below, the situation was significantly more complicated, but this has been either ignored or accommodated within the existing narrative. For example, Schumann, who has provided one of the most detailed discussions of the social and political history of Parma in this period, acknowledges that the bishop's secular position was undermined during the episcopate of Guido, hence before the installation of Bernard, but argues that this was largely because of ideological and military pressure from the Gregorian reform movement.¹⁶ The collapse of the bishop's power remains tied to ideological change.

Although reform ideology certainly had significant impact on the political situation within the Italian cities, this focus on ideology has led to the eclipse of more practical reasons for change, such as the changing practical needs of these bishops, their engagement with shifting imperial policy and strategy, and the prolonged absence of many of these bishops from their cities during this period. These two assumptions, that the Italian bishops lost their secular power suddenly and that this was caused by the ideological change connected to the installation of a Gregorian bishop in a given see, need to be questioned.

This historiographical trend can be connected to the types of source favoured by many modern commentators. There remains a tendency to follow the narrative sources, most typically the lives of reforming bishops and popes. The key issue with these documents is that their authors sought to present the bishops in preparation for their ascension to sainthood.¹⁷ As a result, the bishops who supported the popes are presented as model reformers while those who supported the emperor are presented as grasping and simoniac. The dominance of these sources as the basis for historiography has certainly influenced the common narrative.

In contrast, the charter sources have been relatively underused. Where they do appear they are generally employed to augment arguments based on the narrative sources. This is problematic as it restricts our perspective of the changing role

¹⁴ G. Schwartz, *Die Besetzung der Bistümer Reichsitaliens: Unter den sächsischen und salischen Kaisern mit den Listen der Bischöfe, 951–1122* (Spoleto, 1993), pp. 186–7; Schumann, *Authority and the Commune*, pp. 159–60; P. Bonacini, 'Sulle Strade dei Canossa dal Parmense Tutto Intorno', in P. Bonacini, ed., *Studi Matildici IV: Atti e memorie del Convegno il territorio parmense da Carlo Magno ai Canossa* (Modena, 1997), pp. 11–44, at 32.

¹⁵ E. Nasali Rocca, 'Parma e la Contessa Matilde', in *Studi matildici: Atti e memorie del Convegno di studi matildici (Modena e Reggio Emilia 19, 20, 21 ottobre 1963)* (Modena, 1964), pp. 53–68, at 61; Guenza, 'Pastori e signori', pp. 47–66.

¹⁶ Schumann, *Authority and the Commune*, pp. 97, 211.

¹⁷ A. M. Orselli, 'L'idea e il culto del santo patrono cittadino nella letteratura latina cristiana', in *L'immaginario religioso della città medievale* (Ravenna, 1985), pp. 3–182; M. F. Patrucco, 'Le origini', in Greci, ed., *Il governo del vescovo*, pp. 13–28; H. C. Peyer, *Stadt und Stadtpatron im mittelalterlichen Italien*, Wirtschaft Gesellschaft Staat, 13 (Zurich, 1955).

of the bishops. There are certainly issues connected with the use of the charter sources. Certain types of document are significantly more likely to survive than others; the position of the Church as the leading repository for these documents means that a high survival rate can be expected for documents which supported the interests of clerical institutions, and a rather lower survival rate for documents which did not benefit the keepers of the clerical archives. Rhetoric within these documents must also be noted; terms and phrases were often selected to underline the rights of those who composed the texts. However, despite these issues, a more extensive consideration of the charter sources can provide a valuable contribution to our understanding of the period.

Through the use of the charter sources I will first demonstrate that the bishops of Parma became less visible in secular roles within their diocese during the second half of the eleventh century, and that this coincided with an increase in the political and economic activity of several other local groups. I will argue that these groups often came into competition with the bishop and that this led to a reduction in the bishop's secular role and authority. Finally, I will present this decline in episcopal authority as a result of the changing focus and role of the bishops, arguing that Cadalus, Everard, Guido and Bernard all held positions which repeatedly drew them away from their diocese and allowed other groups and individuals to usurp the absent bishop's power.

The Secular Activity of Parma's Bishops, Cathedral Chapter and Proto-Commune

At the start of the eleventh century, the bishop of Parma was undoubtedly the dominant figure in his diocese. He was the leading landholder in the county and held dominion over most of the key monasteries and churches of the area.¹⁸ He had extensive rights of jurisdiction over the diocese. The bishop had been granted jurisdictional rights over the *curtis regia* and *districtus* of the city by Carloman in 879.¹⁹ This was extended to judicial control and immunities over a three-mile radius around the city by Otto I in 962.²⁰ Ultimately, after prolonged negotiations, the bishop of Parma, Hugh (1027–40), received the *comitatus* within the diocese in the 1030s; this gave him comital rights over justice within the diocese and restricted the rights of the counts of Parma to the small portion of the east of the county which lay outside the diocese.²¹ Individual bishops had strong connections with key figures in Italy and the Empire. Siegfried (981–1012) was related to the Canossa, a powerful local family, and was extremely active within the diocese,

¹⁸ Schumann, *Authority and the Commune*, p. 117.

¹⁹ 'Die Urkunden Karlmanns', ed. P. F. Kehr, in *Die Urkunden Ludwigs des Deutschen, Karlmanns und Ludwigs des Jüngeren* (Berlin, 1934), f. 24.

²⁰ 'Die Urkunden Otto I', ed. T. Sickel, in *Die Urkunden Konrad I, Heinrich I und Otto I* (Hannover, 1884), f. 239.

²¹ Schumann, *Authority and the Commune*, pp. 45–6; Guenza, 'Pastori e signori', p. 59.

consolidating his control over the region.²² Henry (1015–27) and Hugh served as imperial chancellors and both had their position strengthened and extended by the emperor through a series of charters.²³ These bishops embody the image of ecclesiastical rule through extensive and effective secular powers.

However, even at this early point there were occasional challenges to the bishop's authority. Most dramatically, a riot in Parma at Christmas in 1037 threatened the lives of the bishop and Emperor Conrad II, who was visiting the city. The riot was only put down through the intervention of the imperial host – a massive external force.²⁴ This riot targeted the bishop, and its timing suggests that it was a protest against his acquisition of comital jurisdiction throughout the diocese, reflecting concern over how this would interact with the rights of the rioters as set out by the *Constitutio de feudis* earlier in 1037.²⁵ Although the rioters were defeated, the incident displayed the ability and willingness of the city of Parma to rise against its bishop for the first time. As such an uprising did not happen again in Parma until 1104, this earlier riot has been viewed as an isolated incident.²⁶ However, while the intervening bishops did not face such a visible threat to their power it is possible to observe a steady erosion of their authority over the course of the later eleventh century. Several changes demonstrate the bishop's withdrawal from the government of his diocese while highlighting the increasing importance of several groups and individuals with competing interests.

An important indication of the reduction of the bishop's secular role in Parma comes from 1059, when Cadalus began the construction of a new cathedral and episcopal palace outside the city walls.²⁷ As Miller has argued, this demonstrated the reduced prominence of the bishop within the city.²⁸ The movement of imperial, episcopal and comital palaces beyond the walls of the cities of Italy during this period tacitly confirmed the autonomy of the urban citizens.²⁹ By physically removing himself, Cadalus recognized a change in his role as bishop

²² V. Fumagalli, 'Per la storia di un grande possesso canossiano nel Parmense: La corte di "Vilinianum"', *Quellen und Forschungen aus italienschen Archiven und Bibliotheken*, 49 (1968), pp. 73–94, at 89–91; Schumann, *Authority and the Commune*, pp. 197–8.

²³ Schwartz, *Die Besetzung der Bistümer Reichsitaliens*, p. 186; Schumann, *Authority and the Commune*, p. 97.

²⁴ C. Violante, 'Aspetti della politica italiana di Enrico III prima della sua discesa in Italia (1039–1046)', *Rivista Storica Italiana*, 64 (1952), pp. 157–76, at 170; G. Fasoli, 'La realtà cittadina nei territori canossiani', in *Studi matildici*, pp. 55–78, at 62; Albini, 'Vescovo, comune', p. 69.

²⁵ P. Brancoli Busdraghi, *La formazione storica del feudo Lombardo come diritto reale* (Spoleto, 1999), pp. 76–93, 173–5.

²⁶ Schumann, *Authority and the Commune*, p. 210.

²⁷ Guenza, 'Pastori e signori', p. 60.

²⁸ M. C. Miller, 'Topographies of Power in the Urban Centres of Medieval Italy: Communes, Bishops and Public Authority', in P. Findlen, M. Fontaine and D. J. Osheim, eds, *Beyond Florence: The Contours of Medieval and Early Modern Italy* (Stanford, CA, 2003), pp. 182–3.

²⁹ P. Racine, 'Naissance de la place civique en Italie', in J. Heers, ed., *Fortifications, portes de villes, places publiques, dans le monde méditerranéen* (Paris, 1985), pp. 301–22, at 315; M. Morselli, *Le origini di un comune cittadino: Analisi di alcuni documenti del liber privilegiorum*

and a reduction in his power over the city. This change in the role of the bishop is highlighted by Schumann's observation that the court sessions held by the bishops after this point were conducted outside the city.³⁰ Although the cathedral was not completed and consecrated until 1106, the start of these constructions was an implicit acknowledgement by the bishop of his reduced role.

Alongside this physical withdrawal, there is considerable evidence that the bishops of Parma steadily withdrew from the government of their diocese. The clearest sign of this is the dramatic reduction in the number of surviving charters they issued during the late eleventh century. The existence of these charters is a meter not only for the actual economic, political and jurisdictional powers of the bishop, but also for the symbolic importance of his association with these transactions in the minds of his congregation.³¹ As such, their rate of survival is a useful gauge for an individual bishop's visibility and authority.

Cadalus was initially quite active: between 1046 and October 1061 he issued four charters.³² These included three documents granting lands and rights to the monastery of San Paolo in the centre of Parma, a wealthy and prestigious institution, which underlined Cadalus's control over his city.³³ The fourth of these documents gave land in *precaria* to Guido, a *iudex* of the palace and *advocatus* for the church of Parma.³⁴ Again, the existence of the document underlines a connection between the bishop and a key figure within the city. Cadalus also appears in three charters associated with the imperial court.³⁵ The first of these, produced on 12 November 1046, was a *placito* issued by Anselm, a royal *misus*, which ruled in favour of Cadalus and returned lands near Vicenza to control of the bishop.³⁶ In the following year, on 1 May, Henry III created a charter confirming Cadalus in his rights as bishop, including control of the *comitatus*.³⁷ Finally, on 13 July 1052, Henry issued a charter supporting Cadalus's endowment of the monastery of San Giorgio in Braida, near Verona, with several holdings in the region.³⁸

comunis mantue (Modena, 1992), p. 67; Miller, 'Topographies of Power in the Urban Centres of Medieval Italy', p. 187.

³⁰ Schumann, *Authority and the Commune*, pp. 206–7.

³¹ H. Keller, 'Zu den Siegeln der Karolinger und Ottonen: Urkunden als "Hoheitszeichen" in der Kommunikation des Königs mit seinen Getreuen', *Frühmittelalterliche Studien*, 32 (1998), pp. 400–41, at 431, 435; O. Guyotjeannin, 'Ecrire en chancellerie', in M. Zimmermann, ed., *Auctor et auctoritas: Invention et conformisme dans l'écriture médiévale; Actes du colloque tenu à l'Université de Versailles-Saint-Quentin-en-Yvelines, 14–16 juin 1999* (Paris, 2001), pp. 17–35, at 17–21; E. J. Goldberg, *Struggle for Empire: Kingship and Conflict under Louis the German, 817–876* (Ithaca, NY, 2009), p. 213.

³² G. Drei, *Le carte degli archivi parmensi del secoli X–XI* [hereafter *CAP*] (2 vols, Parma, 1928), ii, f. 77, 78, 83, 108.

³³ *Ibid.*, f. 77, 78, 83.

³⁴ *Ibid.*, f. 108.

³⁵ *Ibid.*, f. 81; *Die Urkunden Heinrichs III*, ed. H. Bresslau (Berlin, 1931) [hereafter *H3*], f. 197, 298.

³⁶ Drei, *CAP2*, f. 81.

³⁷ Bresslau, ed., *H3*, f. 197.

³⁸ *Ibid.*, f. 298.

These documents demonstrate a very visible connection between the emperor and the bishop of Parma, legitimizing Cadalus's authority within his diocese. Cadalus's political involvement with other key figures in and around his diocese is demonstrated through two surviving documents.³⁹ On 18 June 1051, Boniface of Canossa, the most powerful secular figure in the region, issued a judgement in favour of Cadalus concerning property at Sala near Modena.⁴⁰ In a charter of 15 May 1060 a group of landholders donated property to Cadalus to support the foundation of a chapel in Vitaliano, dedicated to St Peter.⁴¹ Throughout the first fifteen years of his episcopate, Cadalus was closely connected with important individuals and institutions within his diocese and with the emperor. He carried out his secular roles with great energy.

However, after he claimed the papal throne in October 1061, Cadalus almost disappears from the charter record. He issued one further charter before his death in 1072, a grant to his cathedral chapter on 20 April 1069,⁴² and is mentioned in only one donation, a gift of land in Sala by one Tegrimo on 29 July 1062.⁴³ Subsequent bishops followed this trend. Everard appeared only rarely within the charters of his city, producing only three surviving documents over the course of his episcopate; no charters issued by Guido or Bernard survive.⁴⁴ Only one donation was received by these three bishops: a document dated 15 January 1114 from the court of Matilda of Canossa gifting land in Monticello in the county of Parma to Bernard.⁴⁵ The gradual disappearance of the bishops of Parma from these charters, starting in the last decade of the episcopate of Cadalus and continuing under his successors, is a strong indication of their reduced role in the secular sphere.

The appearance and absence of imperial *diplomata* issued to these bishops of Parma are of particular importance. These documents were statements of imperial support for, and protection of the rights of, the bishop within his city and diocese. The receipt of these documents was a statement not just of the emperor's authority to grant these rights, but also of the bishop's authority to exercise them. Cadalus had his episcopal rights, including the controversial control of the *comitatus*, confirmed within a document of 1047.⁴⁶ This was an important declaration of imperial support for his authority and underlined the central role the bishop of Parma continued to play within the city. However, no such documents survive confirming Everard, Guido or Bernard in their rights as bishop. This is significant because every previous bishop of Parma since the reign of Otto II (973–83)

³⁹ Drei, *CAP2*, f. 90, 107.

⁴⁰ Ibid., f. 90.

⁴¹ Ibid., f. 107.

⁴² Ibid., f. 122.

⁴³ Ibid., f. 111.

⁴⁴ Ibid., f. 128, 139, 140.

⁴⁵ *Die Urkunden und Briefe der Markgräfin Mathilde von Tuszien*, ed. E. Goez and W. Goez (Hannover, 1998), f. 132.

⁴⁶ Bresslau, ed., *H3*, f. 197.

had received royal or imperial confirmation of their rights.⁴⁷ These omissions, combined with the relatively low output of their episcopal chanceries, imply a reduced role for these bishops in the rule of their diocese.

While the bishops of Parma became steadily less involved in the production and receipt of charters within and around their diocese several other groups and individuals became more prominent. The cathedral chapter is a particular example of this shift in political activity. The canons had their rights upheld by Henry III (in 1055), Henry IV (in two documents in 1081) and Henry V (in 1111).⁴⁸ The charter of Henry III, produced on 6 June 1055, simply restated imperial protections for the canons of Parma granted in earlier charters issued by Otto II and Otto III.⁴⁹ The documents produced by Henry IV, on 3 and 14 December 1081, record legal proceedings in favour of the canons of Parma and confirmed their control of property in Madregolo and Pizzo respectively.⁵⁰ This extended territory was reiterated alongside the more general guarantees of immunity and protection given by Henry V on 16 May 1111.⁵¹ This series of documents demonstrates an ongoing imperial connection with the cathedral chapter in Parma and a fairly substantial extension of the lands held by this institution. The corresponding absence of imperial charters recognizing the authority of Everard, Guido and Bernard suggests that the cathedral chapter was becoming a more prominent political power and was displacing the traditional connection between the emperor and the bishop.

At the same time, several of the surviving charters of Cadalus and Everard extended the lands and rights of the cathedral chapter or individuals within it.⁵² The first of these, produced by Cadalus on 20 March 1069, granted land (*mascaricia*) in Vigoferdulfi and Penolini.⁵³ This was followed in 1081 by two documents created by Everard: the first confirmed a donation to the cathedral chapter by the canon Albert; the second went further, guaranteeing all the rights and lands held by the cathedral chapter.⁵⁴ This final charter was almost unprecedented in its scope – only the 877 foundation charter of the cathedral chapter issued by Bishop Guibodo had provided such a unilateral declaration of the

⁴⁷ 'Die Urkunden Otto des II', ed. T. Sickel, in *Die Urkunden Otto des II und Otto des III* (Hannover, 1893), f. 257; 'Die Urkunden Heinrichs II', ed. H. Bresslau, in *Die Urkunden Heinrichs II und Arduin* (Hannover, 1900), f. 71; 'Die Urkunden Konrads II', ed. H. Bresslau, in *Die Urkunden Konrads II, mit Nachträgen zu den Urkunden Heinrichs II* (Hannover, 1909), f. 98.

⁴⁸ Bresslau, ed., *H3*, f. 342; *Die Urkunden Heinrichs IV*, ed. H. Bresslau (Hannover, 1909), f. 340, 341; *Die Urkunden Heinrichs V. und der Königin Mathilde*, ed. A. Gawlik and M. Thiel (München, 2003), f. 73.

⁴⁹ Sickel, ed., 'O2', f. 253; 'Die Urkunden Otto des III', ed. T. Sickel, in *Die Urkunden Otto des II und Otto des III* (Hannover, 1893), f. 343.

⁵⁰ Bresslau, ed., *H4*, f. 340, 341.

⁵¹ Gawlik and Thiel, eds, *H5*, f. 73.

⁵² Drei, *CAP2*, f. 122, 139, 140.

⁵³ *Ibid.*, f. 122.

⁵⁴ *Ibid.*, *CAP2*, f. 139, 140.

political position of the cathedral chapter in relation to the bishop.⁵⁵ The receipt of these documents demonstrates that the cathedral chapter was becoming more prominent in economic and political terms: its members were receiving control of greater lands and rights, and were having those rights recognized by important figures. The appearance of these documents does not necessarily mean that the cathedral chapter was at odds with the bishop or that the canons were coming to eclipse their prelate politically. However, the interaction between the canons and the emperor demonstrates a more active role for this organization which coincided with a reduction in the activity of the bishop.

During this period members of the cathedral chapter also appear more frequently as the donors of charters. The canons had participated in this role before, but these documents were previously produced in isolation. At several points during the late eleventh century, however, the canons engaged in unprecedented levels of charter activity. Between 1064 and 1068 members of the cathedral chapter appear issuing three charters.⁵⁶ A more substantial and prolonged burst of activity began after the death of Everard: eighteen charters were issued by representatives of the cathedral chapter between 1087 and 1102.⁵⁷ The chapter remained active in the production of charters throughout the episcopate of Bernard.⁵⁸ Not only was the importance of the cathedral chapter recognized by the emperors and the bishops, but its members played a demonstrably greater role in the government of the diocese.

There is also evidence that the laity within Parma became more politically active during the eleventh century. Beyond the politically motivated riots of 1037 and 1104 the charter record provides other, more subtle, indicators of growing political and economic activity. Between the end of the 1040s and the start of the 1070s the rate of survival of documents mentioning lay individuals without public office increased from one or two a decade to seven or eight a decade. This suggests first that the economic activity of lay individuals was increasing, and second that these individuals sought to have their activity formalized, and thereby to gain a position within the legislative system. Both of these factors suggest that lay individuals within the city were becoming more important.

The language used within the charters relating to the laity in Parma provides stronger evidence of increasing collective political identity and activity across this period. Local individuals mentioned in the episcopal and private documents of Parma of the eleventh century were increasingly identified as *de civitate Parmense* or *de Parmense*. Such documents were created in 1032, 1038, 1044, 1049, 1057 and 1058, and this rate of production continued throughout the eleventh century.⁵⁹ The use of the phrase *de civitate Parmense* to describe secular participants in

⁵⁵ U. Benassi, *Codice diplomatico parmense: Secolo VIII* (Parma, 1910), f. 13.

⁵⁶ Drei, *CAP2*, f. 112, 115, 119.

⁵⁷ *Ibid.*, f. 146, 147, 154, 155, 158, 159, 160, 161, 162, 164, 165, 166, 169; G. Drei, *Le carte degli archivi parmensi del secoli XII* (Parma, 1950), f. 5, 6, 7, 8, 11, 12.

⁵⁸ *Ibid.*, f. 32, 33, 55, 58.

⁵⁹ Drei, *CAP2*, f. 51, 64, 75, 89, 102, 105, 129, 135, 157.

the documents of the church of Parma appears first on 26 June 853, when the brothers Gariberto and Arioaldo, sons of Ragimbaldo, of the city of Parma (*de civitate Parmense*), are recorded completing a transaction with the archdeacon Ariberto.⁶⁰ Several other private and episcopal documents created throughout the ninth, tenth and early eleventh centuries made use of this terminology, but it was only in the 1030s to 1050s that the phrase appears to have become relatively common. Before this, episcopal documents involving transfers of lands or leases were more commonly drawn up to refer to the secular parties only by their patronyms. This shift in terminology indicates that the city was gaining recognition as a social focus, first by the bishop and cathedral chapter of Parma, and later by the inhabitants themselves. While this is by no means conclusive evidence of a strong urban identity, it does suggest an increasing tendency to view Parma as a city, as the central focus of the county, and as a means to describe those within it. These individuals were being recognized as part of a politically and economically important element within Parma. This was not a sudden change, and must be seen as a gradual shift over the course of many decades, but it nevertheless reflects a fundamental transformation in the ideological and practical role of the urban laity.

In sum, the charter record shows that the bishops of Parma became less visible throughout this period, while the cathedral chapter and laity became more so. This in turn demonstrates a more important and more active role for individuals and groups within the city, and a fundamental change in how the diocese was governed. Taken in isolation, however, this does not demonstrate the erosion of the bishop's authority. To show this it is necessary to address the allegiances of and interactions between these various active powers within this changing local political structure and within the broader scope of the Investiture Contest.

Challenges to Episcopal Authority

The increasing political and economic prominence of the cathedral chapter and the laity within Parma coincided with several direct challenges to the authority of the bishop. Schumann has argued that the increasing involvement of the cathedral chapter in the governing of the diocese was undertaken with the consent of the bishops and that this was in fact a means by which the bishops strengthened their hold on Parma.⁶¹ This is an attractive argument and it would justify the traditional perception of the eleventh century bishops of Parma as the leading secular power within their diocese. However, it has two flaws.

First, there is no evidence that the increased role of the cathedral chapter did anything to halt the growing power of the laity within the city. This was demonstrated most spectacularly through the 1104 riot against Bernard, his subsequent two-year exile, and the various concessions he was obliged to make to the laity

⁶⁰ G. Drei, *Le carte degli archivi parmensi del secoli X–XI* (2 vols, Parma, 1928), i, f. 8.

⁶¹ Schumann, *Authority and the Commune*, pp. 122–4.

during the rest of his episcopate.⁶² However, as highlighted above, even before these dramatic events, the laity of Parma became markedly more active within the charter record and were increasingly recognized as part of a politically active group within these documents. Moreover, the increased charter activity of the cathedral chapter and the laity over the course of the eleventh century often coincided: members of these two groups often appear in the same documents. This suggests that interaction between the cathedral chapter and the laity of Parma increased while the bishop was marginalized. Empowering the cathedral chapter did not restrict growth in the laity's economic and political standing. On the contrary, interaction between the laity and the clergy increased the importance of both.

Second, there are signs that the clergy did not always act in the interests of the bishop. As early as 1046, envoys of Emperor Henry III intervened in a dispute between Cadalus and his cathedral chapter. This dispute concerned the control of various lands around Vicenza and Parma and was resolved in favour of the canons.⁶³ This was a fairly minor incident, but it does demonstrate that episcopal control of the cathedral chapter was not complete even in the 1040s. A more serious example of clerical disobedience appears over the course of the late 1090s during the episcopate of Guido. In 1096, 1099 and 1100 charters were issued by Addo, *prepositus* of the church of Parma, which are recorded by Rodulfus or Vetus, notaries of King Conrad, the son of Henry IV.⁶⁴ This is significant because Conrad was in rebellion against his father from 1093, while Guido remained a steadfast supporter of Henry.⁶⁵ Addo was therefore acting against Guido's interests, apparently in order to preserve and extend the power of the cathedral chapter. There is no evidence that Guido exercised any control over his clergy, and the dispute between Cadalus and his canons in the 1040s suggest that this division had been developing for several decades.

These divisions suggest that while the bishops were often able to work alongside their clergy, the alliance was far from absolute. The cathedral chapter became central to the everyday running of Parma, taking control of roles previously held by the bishop, and its members were willing to use these new powers for their own ends – even if those ends were counter to those of the bishop. Likewise, relationship networks shifted within Parma, removing the bishop from his prominent role and instead emphasizing the dynamic between the cathedral chapter and the proto-commune.

Other threats to the bishop's authority within Parma were posed by powerful members of the lay nobility. A particular example of this is the Canossa family,

⁶² R. Volpini, 'Bernardo degli Uberti', in A. M. Ghisalberti, ed., *Dizionario biografico degli Italiani* (Roma, 1967), ix, pp. 292–9, at 296–8; Schumann, *Authority and the Commune*, pp. 212–24; Schwartz, *Die Besetzung der Bistümer Reichsitaliens*, pp. 187–8.

⁶³ Drei, *CAP2*, f. 80, 81, 82.

⁶⁴ Ibid., f. 165, 169, 172.

⁶⁵ Fasoli, 'La realtà cittadina', p. 63; I. S. Robinson, *Henry IV of Germany, 1056–1106* (Cambridge, 1999), p. 287.

who appear with increasing frequency in the charter sources for the monasteries and churches in and around Parma in the second half of the eleventh century. This corresponds to a long-standing strategy of this family of extending their power through influence over clerical institutions.⁶⁶ The earliest surviving evidence of this in Parma appears in a charter of 18 July 1073, where Matilda of Canossa and her mother, Beatrice, donated a property in Castellucchio to the abbey of San Paolo within the city of Parma.⁶⁷ Most significantly, the pair used the charter to state that should the bishop of Parma or the abess of the abbey attempt to alienate these lands and their associated rights, then the property was to be given to the bishop of Mantua, a figure very much within the Canossan sphere of influence.⁶⁸

Quod si Parmensis episcopus vel abbatissa predicti monasterii hoc secundum iamdictum tenorem non observaverint tunc predicta terra cum prenominata ecclesia et cum rebus ad eas pertinentibus deveniant in virtute et potestate Mantuani episcopi et tandiu in sua potestate permaneant quousque parmensis episcopus vel abbatissa prefati monasterii suprascriptum tenorem firmiter observaverint.⁶⁹

This was an explicit and direct challenge to Everard's authority within the city.⁷⁰ The monastery of San Paolo and its attached abbey was a powerful institution and was traditionally closely tied to the bishops of Parma: successive bishops had endowed the abbey.⁷¹ Everard reacted quickly, restating the privileges received by the monastery from the bishop of Parma in a charter later that year.⁷² Neither the Canossa nor the bishop of Mantua seem to have made any further attempt to draw San Paolo into their orbit during Everard's lifetime, so this attempt to assert Canossan influence seems to have failed in the short term. However, the existence of this exchange of charters does highlight the threat to the bishop's power posed by the Canossa.

In the later eleventh century, Matilda made a more concerted and successful effort to extend her influence over the monasteries within and around Parma. On 12 November 1099 she made a sizable donation to the monastery at Brescello, on the edge of the diocese and county of Parma, including farms and woods across

⁶⁶ V. Fumagalli, 'I Canossa tra realtà regionale e ambizioni europee', in *Studi matildici*, pp. 27–37, at 33; R. Brunelli, 'Diocesi di Mantova', *Storia Religiosa della Lombardia*, 8 (1986), pp. 13–42, at 20; R. Rinaldi, 'Da Adalberto Atto a Bonifacio: Note e riflessioni per l'edizione di un Codice Diplomatico Canossano prematildico', *Bullettino dell'Istituto Storico Italiano per il Medio Evo e Archivio Muratoriano*, 101 (1997), pp. 13–91, at 28.

⁶⁷ Goez and Goez, eds, *M*, f. 9.

⁶⁸ *Ibid.*, f. 9; Fumagalli, 'I Canossa', p. 29; Rinaldi, 'Da Adalberto Atto a Bonifacio', pp. 73–4; P. Golinelli, 'L'Italia dopo la lotta per le investiture: La questione dell'eredità matildica', *Studi Medievali*, 3, 42.2 (2001), pp. 509–28, at 516.

⁶⁹ Goez and Goez, eds, *M*, f. 9.

⁷⁰ Nasali Rocca, 'Parma e la Contessa Matilde', pp. 57–8.

⁷¹ Drei, *CAP2*, f. 18, 19, 42, 43, 77, 78.

⁷² *Ibid.*, f. 128.

the county.⁷³ This was followed on 14 January 1107 by a reiteration and extension of earlier grants by the family to the abbey of San Paolo in Parma, which were ultimately confirmed by Henry V on 28 September 1109.⁷⁴ These claims to authority were not countered by the bishop, implying his unwillingness or inability to oppose Canossan inroads into the county.

In addition to the Canossa, the count of Parma, Ubert, reappeared as a political force within Parma during the 1090s. The counts of Parma had held relatively little jurisdictional power within Parma since the 1030s, when most of the *comitatus* had been transferred to the bishops.⁷⁵ However, Ubert issued a charter to the abbey of San Giovanni on 29 June 1093.⁷⁶ He did this just outside the walls of Parma, making a statement of his authority at the heart of the bishop's power, challenging the bishop's jurisdiction over the *comitatus* and threatening the bishop's older rights of jurisdiction within and around the city. Likewise, he made a statement of his connection with the monastery of San Giovanni, an institution within Parma itself. Ubert can be seen as a rival to the bishops of Parma through his connection to Matilda, which is demonstrated by his having witnessed several of her charters.⁷⁷ Furthermore, Ubert had been present at the defence of Mantua in 1090 to 1091 on Matilda's behalf and in opposition to Guido, the then bishop of Parma.⁷⁸ As such, Ubert's charter may be assumed to be designed to alienate the monastery from Guido's orbit and draw it into his own.

These challenges to the bishops' authority were mirrored by moves made by the town of Borgo San Donnino (modern Fidenza). Borgo San Donnino was economically and strategically important: it dominated the major trade and pilgrimage route over the Apennines through the Cisa Pass and on the Via Emilia towards Piacenza.⁷⁹ The town had been placed under the control of the bishop of Parma in the tenth century, but in the last decades of the eleventh century attempts were made to remove it from the bishop's orbit. A charter of Urban II in 1088 placed the church of Borgo San Donnino under papal protection: a move probably designed to alienate the town from the control of the bishop of Parma.⁸⁰ In 1096 and 1097 the town sided with Conrad during his rebellion against his father, Henry IV, as evidenced by the production of a series of charters within Borgo San Donnino by Conrad's notaries.⁸¹ This brought the town into direct

⁷³ Goez and Goez, eds, *M*, f. 55.

⁷⁴ *Ibid.*, f. 99, 118.

⁷⁵ Schumann, *Authority and the Commune*, p. 45.

⁷⁶ Drei, *CAP2*, f. 156.

⁷⁷ Schumann, *Authority and the Commune*, pp. 47–9.

⁷⁸ F. Fabbi, 'Le famiglie Reggiane e Parmensi che hanno in comune l'origine con la Contessa Matilde', *Deputazione di storia patria per le antiche provincie modenesi: Atti e memorie*, 9/3 (1963), pp. 167–200, at 183; D. J. Hay, *The Military Leadership of Matilda of Canossa, 1046–1115* (Manchester, 2010), p. 172.

⁷⁹ J. Hill, 'Pilgrim Routes in Medieval Italy', *Bollettino del C. I. R. V. I.*, 9 (1984), pp. 3–22, at 10.

⁸⁰ Hay, *The Military Leadership of Matilda of Canossa*, p. 172.

⁸¹ Schumann, *Authority and the Commune*, pp. 214–15.

conflict with Guido, and Borgo San Donnino would continue to challenge the authority of the bishop of Parma in the early twelfth century, rebelling against Bernard in 1108.⁸² Its autonomy was recognized in a charter of Henry V in 1111 which gave Borgo San Donnino a direct connection to the emperor through the installation of a royal governor.⁸³ These events indicate an increasing ability to resist the authority of the bishop which can be traced to the 1080s.

Local churches and, particularly, monasteries within the diocese of Parma also became more politically active during the late eleventh century. The charters issued by Matilda and Ubert, highlighted above, not only represent the claims of noble individuals to authority within and around Parma, but also indicate a political role for the monasteries themselves. These institutions had traditionally received most of their rights from the bishop of Parma: the monastery of San Paolo was a particular recipient of the bishop's largesse during the early eleventh century.⁸⁴ Their new-found connection to a variety of powerful individuals in the later eleventh century and early twelfth century suggests that these monasteries were becoming more actively involved in the political machinations within and around the county of Parma. The increasing connection of these institutions with noted opponents of the bishop suggests that they were drifting from his control.

The charter evidence demonstrates that a wide variety of individuals and institutions became more economically and politically active around Parma during the eleventh century. Relationship networks became more complex and the cathedral chapter adopted a central role while other groups also became more prominent. At the same time, the bishop's visibility was greatly reduced. Eventually he virtually disappeared from the charters of the city. While this in and of itself does not necessarily indicate a reduction in the bishop's authority, his conflicts with these groups and increasing inability to counter them strongly suggest that his secular role and authority were being eroded long before the episcopate of Bernard or even Guido. Instead, this trend, which culminated in the dramatic events of Bernard's episcopate, had its root in much earlier changes which can be traced ultimately to the episcopate of Cadalus. As such, the lapse in the bishop's secular authority cannot be seen simply as a result of the sudden introduction of reform ideology to the church of Parma through the arrival of Bernard or through Gregorian activity within and around Parma during the episcopate of Guido. Instead we must look for other, longer-term causes for the change.

The Bishops of Parma as Absentee Bishops

Cadalus, Everard, Guido and Bernard can all be considered absentee bishops for large parts of their rule, and this corresponds closely with the eclipse of the bishop as the dominant power within the county of Parma by the end of the

⁸² Albini, 'Vescovo, comune'.

⁸³ Schumann, *Authority and the Commune*, p. 215.

⁸⁴ Drei, *CAP2*, f. 42, 43, 77, 78, 83.

eleventh century. All four of these bishops had considerable interest in events outside their diocese. This was not unusual: previous bishops of Parma had undertaken duties throughout Northern Italy, including that of imperial chancellor.⁸⁵ However, these earlier bishops had generally retained a strong interest in the control of their own diocese. For example, Siegfried was particularly active in the production of charters (he is recorded as donor in nine episcopal documents during his thirty-year episcopate),⁸⁶ while Hugh's interest in the control of his diocese is reflected in his concern to acquire the *comitatus*.⁸⁷ In contrast, during the late eleventh century affairs outside the diocese, and often beyond Lombardy, came to dominate the bishops' interests and activities. This led to their absence from the diocese, first ideologically and then physically, and diminished their role within it. This trend of increasing absence can be observed across the period, and correlates with the ongoing erosion of the bishop's authority highlighted above.

Cadalus as bishop of Parma was initially very active within his own diocese and Northern Italy in general. As noted above, he was heavily involved in charter production in the early years of his rule as bishop, and seems to have remained in the diocese to a much greater extent than his successors. However, even at this early stage Cadalus's actions suggest that he was a different type of bishop from his predecessors in Parma. Cadalus was not so prolific a producer of charters as Siegfried had been; nor did he go to such lengths to increase his power within the diocese as Hugh had done through his acquisition of the *comitatus*. Instead, Cadalus moved his cathedral and palace outside the city. Although this physical alienation was only slight, it was of great symbolic importance and suggests that Cadalus was, even early in his career, willing to relinquish some of his authority within his diocese. Guenza has gone so far as to suggest that Cadalus's construction of a new cathedral was an early indication of his designs on the papacy and a change in his political goals.⁸⁸ At the same time, the charter record demonstrates that Cadalus sought to build a relationship network across the Empire. He retained a connection to Verona, the city of his family's origin, while cultivating relationships with bishops across Northern Italy.⁸⁹ He appeared in imperial charters, not only as a recipient but also as a witness and as a petitioner, demonstrating a connection with the emperor and with the other individuals mentioned in these documents, such as the bishops of Piacenza and Cremona.⁹⁰ This stance was not incompatible with the maintenance of a strong position within Parma itself, but Cadalus's activities outside Parma do suggest a difference in his priorities as bishop when compared to his predecessors. Although these factors do not mean that Cadalus should be considered an absentee bishop in the first decade of his

⁸⁵ Schwartz, *Die Besetzung der Bistümer Reichsitaliens*, p. 186; Schumann, *Authority and the Commune*, p. 97.

⁸⁶ Drei, *CAP1*, f. 72, 74, 81; Drei, *CAP2*, f. 2, 6, 7, 8, 10, 16.

⁸⁷ Schumann, *Authority and the Commune*, pp. 44–5.

⁸⁸ Guenza, 'Pastori e signori', p. 60.

⁸⁹ Bresslau, ed., *H3*, f. 298.

⁹⁰ *Ibid.*, f. 222, 318.

episcopate, they do underline an important change in the role of the bishop of Parma during the early part of his tenure. While he still held a great deal of power within his diocese, he also played a very active role in Northern Italy as a whole, and even at this early point this broader role may have undermined episcopal power in Parma by allowing or requiring the cathedral chapter to assume a more important role.

Episcopal visibility in the charter record for Parma declined substantially following Cadalus's claim to the papacy, and the timing of this change was no coincidence. Cadalus was absent from the city only briefly: he was in Basel for his election in 1061, and then led a series of military campaigns to Rome for most of the period 1061 to 1064. After this, Cadalus seems to have remained in Parma. However, after his election Cadalus's involvement in the production of charters is much less evident, while the cathedral chapter increasingly took on this role. Although Cadalus was physically present at Parma, at the walls of the city if not within the city itself, he was absent from the rule of his diocese. This change can be explained by two factors, both intimately connected to his election to the papacy. First, Cadalus viewed himself as the rightful pope. He refused to withdraw his claim even in the face of condemnation at the Synod of Mantua in 1064, at which the clergy and imperial representatives formally recognized Alexander II and excommunicated Cadalus.⁹¹ This ongoing claim is evidenced within Cadalus's charters, where he is referred to as *apostolicus electus*.⁹² As Cadalus no longer portrayed himself as bishop of Parma it is hardly surprising that he withdrew from his episcopal role: to do otherwise would leave him open to charges of simony, and would implicitly acknowledge the failure of his claim to the papal throne. Second, in order to maintain any hope of claiming the papal throne Cadalus relied on the support of individuals from outside his diocese. It was his connections built with prominent members of the Italian clergy that had secured his election in Basel, and he continued to interact with these bishops and abbots and the representatives of the imperial court even after his excommunication in 1064.⁹³ Henry, Archbishop of Ravenna, and Benzo, Bishop of Alba, remained supporters of Cadalus until his death and were excommunicated as a result.⁹⁴ Godfrey the Bearded, the stepfather of Matilda of Canossa, was reprimanded and ordered to perform penance by Alexander II for his contact with Cadalus.⁹⁵ Cadalus's ability to retain connections with these figures was of paramount importance for his claim to the papacy. For these reasons, it was necessary for him to change the style of his episcopate: he focused on his relationships outside the diocese over those within it.

⁹¹ U.-R. Blumenthal, *The Investiture Controversy: Church and Monarchy from the Ninth to the Twelfth Century* (Philadelphia, 1988), p. 49.

⁹² Drei, *CAP2*, f. 111, 122.

⁹³ Blumenthal, *The Investiture Controversy*, p. 49.

⁹⁴ H. E. J. Cowdrey, *Pope Gregory VII, 1073–1085* (Oxford, 1998), pp. 62–3; Robinson, *Henry IV*, pp. 108–9; Schmidt, 'Der 1061 zu Basel', pp. 18–19.

⁹⁵ Robinson, *Henry IV*, p. 109.

The careers of Everard and Guido were very different from that of Cadalus, but they too focused on events outside their diocese. Everard and Guido were both Germans and neither developed an extensive relationship network within Italy. However, they both spent extended periods during their episcopates away from Parma. Everard was at the Synod of Brixen in 1080 as a signatory to the document which deposed Gregory VII in favour of Clement III,⁹⁶ and for most of the period of Henry IV's second expedition to Italy (1081–4) it is likely that Everard joined the imperial host south of the Apennines.⁹⁷ He was captured by Matilda of Canossa at the battle of Sorbara in 1084, and died in captivity the following year.⁹⁸ Two of the three charters issued by Everard as bishop were created in 1081, while Henry IV held court in Parma.⁹⁹ Everard's other surviving document, as indicated above, was produced in response to a direct challenge to his authority by the Canossa in 1073. This implies that Everard was away from Parma for most of his life, only travelling to the city when his other duties drew him there or when faced with a major challenge to his position. His secular role was ad hoc and sporadic.

Bishop Guido appears for the first time in the entourage of Henry IV in 1091, during Henry's third Italian expedition.¹⁰⁰ His next, and only other, confirmed appearance was in 1098 at Vercelli at a synod of Guibert of Ravenna, Henry's antipope.¹⁰¹ These two documents demonstrate Guido's continued allegiance to the imperial cause. His absence from documents produced in Parma, and the appearance of supporters of Henry's rebellious son Conrad in both Parma and Borgo San Donnino, strongly suggest that Guido spent most of that decade with the imperial host and away from Parma. After some initial successes at Mantua and Tricontai, Henry was defeated outside the gates of Canossa in 1092, and was forced onto the defensive in a small area around Mantua until 1097.¹⁰² Thus, the most visible activity within the episcopates of both these bishops was military participation which resulted in extended absences from Parma. They were not diplomats as Cadalus had been, but they did not fulfil the same roles as the bishops who had come before him. Instead they undertook a new role: one which focused their attentions away from Parma and allowed other groups to take control.

⁹⁶ *Die Briefe Heinrichs IV*, ed. C. Erdmann (Stuttgart, 1978), f. Anhang C.

⁹⁷ Schumann, *Authority and the Commune*, p. 160.

⁹⁸ *Ibid.*, pp. 161–2; T. Struve, 'Matilde di Toscana-Canossa ed Enrico IV', in P. Golinelli, ed., *I Poteri dei Canossa, da Reggio Emilia all'Europa: Atti del convegno internazionale di studi (Reggio Emilia-Carpineti, 29–31 ottobre 1992)* (Bologna, 1994), pp. 421–54, at 440–2; Hay, *The Military Leadership of Matilda of Canossa*, p. 172.

⁹⁹ Schumann, *Authority and the Commune*, p. 160.

¹⁰⁰ Schwartz, *Die Besetzung der Bistümer Reichsitaliens*, p. 187.

¹⁰¹ Schumann, *Authority and the Commune*, p. 330.

¹⁰² Robinson, *Henry IV*, pp. 284–95; Struve, 'Matilde di Toscana-Canossa', pp. 445–51; Hay, *The Military Leadership of Matilda of Canossa*, pp. 133–44.

Bernard degli Uberti was also absent from Parma for prolonged periods. Although some of these absences were enforced, such as his exclusions from the city from 1104 to 1106 and from 1127 to 1130, Bernard was also frequently drawn away by his other responsibilities. Before his installation as bishop of Parma, Bernard had acted as Papal Legate to Northern Italy, and he retained this position until his death.¹⁰³ This led to frequent journeys across Italy, including an expedition to Rome in 1111 when he was captured by Henry V.¹⁰⁴ Likewise, Bernard acted as an adviser to Matilda of Canossa, frequently appearing at her court both before and after becoming bishop.¹⁰⁵ Bernard, like his immediate predecessors, fulfilled several roles which took him away from his diocese.

The common theme throughout the episcopates of these four bishops was a focus on events and relationships outside their diocese. Unlike their predecessors, their interests focused not on securing their position within Parma, but on using their position within the diocese to achieve external goals. These goals varied, but invariably drew the bishop from his city. This was recognized by the emperor and by the bishops themselves through the transfer of powers and rights to the cathedral chapter, which began to take a much greater role in the government of the diocese.

Conclusion

In Parma over the course of the eleventh century, the bishop's secular visibility was steadily reduced while several other institutions – including the cathedral chapter, the proto-commune, powerful local lay rulers, monasteries and churches, and the town of Borgo San Donnino – became more politically and economically prominent. This was not a sudden shift during the episcopate of Bernard or even Guido, but can be seen occurring gradually over the century. The change was not simply a result of the replacement of an 'imperial' bishop with a 'reforming' one. Instead, the change in the temporal position of the bishop within his diocese can be connected to a series of bishops who acted within the diocese comparatively rarely. These bishops held responsibilities and interests which focused their attention outside the diocese, whether through political or military commitments. This led to their absence, contributing to their loss of visibility within the diocese and allowing other groups to assume greater prominence within and around the city. This shift was generally detrimental to the bishop's ability to exercise authority within Parma. All of these other groups came into conflict or competition with the bishops, and most were able to use their enhanced position to challenge his power.

Other factors affected this loss of authority, but it was the changing position and frequent absence of the bishop which played the central role. The growing

¹⁰³ Volpini, 'Bernardo degli Uberti', p. 295; Schumann, *Authority and the Commune*, p. 322.

¹⁰⁴ Ibid., p. 322; Hay, *The Military Leadership of Matilda of Canossa*, pp. 179–80.

¹⁰⁵ Goez and Goez, eds, *M*, f. 97, 114, 115, 132, 134, Dep. 72.

economic and political power of the cathedral chapter and proto-commune meant that these groups were able to exploit the bishop's weakness. The general crisis and warfare of the Investiture Contest was undoubtedly a factor, placing new pressures on the bishop's power structure. Changing ideology may also have played a part, but not to the same extent or in the same manner as is usually assumed: there is no indication that the policy of the 'Gregorian' bishop Bernard was significantly different from that of his 'Imperial' predecessors. Instead a change in ideology may have had an effect through lay demands for clerical separation from temporal power, either out of genuine concern for the validity of the sacraments or as part of a more cynical attempt to secure their own political and economic power. However, there is no clear evidence that this was the case in Parma in this period. It seems that the role of the bishop changed as a result of practical factors rather than reform ideology.

A similar situation, where a period of episcopal absence coincided with a reduction of the secular role of the bishop, can be observed in Mantua. The emergence of the commune as the dominant power within the city, eclipsing the bishop, is generally dated to the death of Matilda of Canossa, the dominant secular power in the city, in 1115, shortly after the installation of a Gregorian bishop, Hugh, in 1114.¹⁰⁶ However, this should not be seen as a sudden shift in structures of power in the city inspired by a new dominant religious and political ideology. The proto-commune gained increasing powers and rights throughout the eleventh century, while those of the bishop were eroded, often at the hands of Matilda's ancestors.¹⁰⁷ The alienation of the bishop's secular role was particularly pronounced between 1091 and 1114, when the city rebelled against Matilda in support of Emperor Henry IV. The Mantuans exiled Hubald their bishop, a close ally of Matilda, in favour of an imperial candidate, Chonono. Hubald's surviving charters demonstrate his connections with the Canossa: most notably, Hubald appears investing Matilda's husband, Welf, with the family's traditional lands and rights around Mantua shortly before the siege of the city in 1090.¹⁰⁸ The charters also demonstrate Hubald aggrandizing his supporters, including his nephew, also named Hubald.¹⁰⁹ Hubald was politically active within and around Mantua, even if he was firmly within a Canossan orbit. However, Chonono disappears

¹⁰⁶ Brunelli, 'Diocesi di Mantova', p. 37; G. Sergi, 'Dinastie e città del regno italico nel secolo XI', in R. Bordone, J. Jarnut, eds, *L'evoluzione delle città italiane nell'XI secolo*, Annali dell'Istituto Storico Italo-Germanico, quaderno 25 (Bologna, 1988), pp. 151–73, at 167; R. Salvarani, 'La cura animarum nella diocesi di Mantova fra IX e XI secolo', in G. P. Brogiolo, G. Andenna and R. Salvarani, eds, *Le origini della diocesi di Mantova e le sedi episcopali dell'Italia settentrionale, IV–XI secolo* (Trieste, 2006), pp. 247–71, at 249.

¹⁰⁷ V. Fumagalli, *Terra e società nell'Italia padana, i secoli IX e X* (Torino, 1976), p. 47; V. Fumagalli, 'Mantova al tempo di Matilde di Canossa', in P. Golinelli, ed., *Sant'Anselmo, Mantova e la lotta per le investiture: Atti del convegno internazi* (Bologna, 1987), pp. 159–67, at 161–4; Rinaldi, 'Da Adalberto Atto a Bonifacio', pp. 73–4; Golinelli, 'L'Italia', pp. 512–14.

¹⁰⁸ Goetz and Goetz, eds, *M*, f. 42.

¹⁰⁹ P. Torelli, *Regesto mantovano: Le carte degli archivi Gonzaga e di Stato in Mantova e dei monasteri mantovani soppressi* (2 vols, Rome, 1914), i, f. 101, 106.

from the charter record after 1093.¹¹⁰ Hugh, who succeeded Hubald as bishop in exile by 1104, appears in the charter record from time to time, and actively participated in the alienation of the rights of his church. Most notably, he made a sizable donation of episcopal rights and lands to the monastery of San Benedetto Polirone on 1 May 1104,¹¹¹ almost certainly as part of Matilda's strategy of empowering this institution in opposition to Mantua.¹¹² The secular role of the bishop in Mantua had been threatened for several decades, but it was only when the bishop was physically removed from the city that his position was eclipsed by the proto-commune.

The case of Ravenna under Archbishop Guibert provides an interesting parallel with the changing secular roles of Cadalus in Parma, as both figures maintained a claim to the papacy while retaining their former position. In his early years as bishop in the 1070s, Guibert was in Ravenna frequently and was often involved in the production of charters in the city: he played an active role in the secular duties of the bishop.¹¹³ After his election as Clement III on 25 June 1080 Guibert was regularly absent from his city, but he retained his position as archbishop.¹¹⁴ The cathedral chapter, which had a long history of activity within the diocese, undertook a greater role during this period and produced a correspondingly greater number of charters. Guibert acknowledged this shift in power towards the cathedral chapter through two extensive grants to his canons on 5 February 1093.¹¹⁵ Like Cadalus, Guibert's claim to the papacy created a tension with his ability to maintain his secular position as a bishop. This tension is evident within several of Guibert's charters which use his papal year as Clement III, but then refer to him as Archbishop Guibert.¹¹⁶ On other occasions, Clement's papal year is used, but the donor is styled simply as the archbishop of Ravenna.¹¹⁷ As was the case with Cadalus decades earlier, Guibert and his notaries were not sure how to deal with his dual position: Guibert could not act effectively as archbishop without undermining his campaign for the papal throne. The archbishops of Ravenna retained powerful secular roles after Guibert's death in 1100, but their position was nevertheless changed by his physical and political absence.

A final parallel case is that of the bishop of Rome in the decades around 1100. Whether by choice or necessity the popes of the Investiture Contest acted in a different capacity from their predecessors: their role as bishop of Rome almost

¹¹⁰ Bresslau, ed., *H4*, f. 437.

¹¹¹ Goetz and Goetz, eds, *M*, f. 80.

¹¹² P. Golinelli, 'Culto dei santi e monasteri nella politica dei Canossa nella pianura padana', in *Studi matildici*, pp. 427–44; Ceccarelli Lemut, 'I Canossa e i monasteri toscani', in Golinelli, ed., *I Poteri dei Canossa*, pp. 151–61; A. Tincani, 'Le corti dei Canossa in area Padan', in *ibid.*, pp. 253–78, at 267–75.

¹¹³ R. Benericetti, ed., 'La Chiesa Ravennate sotto l'arcivescovo Guiberto', in *Le carte ravennate del secolo undicesimo* (Faenza, 2003), p. ix.

¹¹⁴ *Ibid.*, pp. x–xi.

¹¹⁵ *Ibid.*, f. 399, 400.

¹¹⁶ *Ibid.*, f. 399.

¹¹⁷ *Ibid.*, f. 400.

always ranked below their international role as head of the Church.¹¹⁸ Furthermore, for much of the Investiture Contest the pope was absent from his city. The effects of this were particularly pronounced during the 1110s and 1120s, when the vacuum of power left by the pope's absence allowed a communal movement to emerge in the city.¹¹⁹ Innocent II was able to reassert his authority in 1138, but this brief communal experiment illustrates the effect episcopal absence could have on the power structures of an Italian city.

These arguments can be applied to several other cities. The disruption of the late eleventh century led to many Italian bishops being absent from their diocese for prolonged periods. These absences were in part forced through antagonistic locals or by military action, but the role of the bishops of Italy in general was changing. This was related to reform and the Investiture Contest, but mainly in the sense that the crisis changed the practical focus of the bishops from rulers of a small domain with occasional political and military duties on the regional scale to international figures almost constantly concerned with the broader political stage, often at the expense of their authority within their own diocese. The decline of the bishops' secular authority in the Italian cities can be better explained through these long-term changes in circumstances than through a sudden change in ideology.

¹¹⁸ C. Wickham, *Sleepwalking into a New World: The Emergence of Italian City Communes in the Twelfth Century* (Princeton, 2015), pp. 124–5.

¹¹⁹ *Ibid.*, pp. 129–31.

An Inconceivable Absence: Usurpers and Illegitimate Rulers in the Genealogical Rolls of the Kings of England, from the Late Thirteenth to the Early Fifteenth Centuries

OLIVIER DE LABORDERIE

In any period, displaying a succession of rulers has always been a sensitive issue, whatever the manner of doing it. However simple this kind of undertaking may seem at first sight, in fact giving a coherent picture of the past requires making choices – occasionally difficult ones. Choices also have to be made in order not to offend the sensitivities of potential readers or viewers. Even a simple list of rulers may be indicative of its author's intentions or opinions. This is even more so when the format adopted is that of a genealogical diagram, whose primary intent is to show as clearly as possible the family ties between individuals. Therefore tracing the genealogy of a royal dynasty over a long period cannot be neutral: indeed, it is bound to reflect explicitly or implicitly upon the foundations of royal legitimacy.

It is with these preliminary thoughts in mind that I would like to analyse the handling of usurpers in the genealogical rolls of the kings of England, one of the most original products of medieval English historical culture. These rolls appeared at the end of Henry III's reign (1216–72) and went on being produced until the end of the reign of Henry V (1413–22), with a peak during the half-century corresponding to the reigns of the first two Edwards (1272–1327) and to the early years of the reign of Edward III (1327–77).

Let us first consider why this unusual form, the genealogical roll, was adopted in England at this time. As far as we know, it had never been used before to trace the history of any other medieval Western dynasty.¹ In England, genealogical

¹ On the genealogical rolls, see Oliver de Laborderie, *Histoire, mémoire et pouvoir: Les généalogies en rouleau des rois d'Angleterre (1250–1422)* (Paris, 2013); Oliver de Laborderie, 'A New Pattern for English History: The First Genealogical Rolls of the Kings of England', in R. L. Radulescu and E. D. Kennedy, eds, *Broken Lines: Genealogical Literature in Late Medieval Britain and France* (Turnhout, 2008), pp. 45–61; Oliver de Laborderie, 'The First Manuals of English History: Two Late Thirteenth-Century Genealogical Rolls of the Kings of England in the Royal Collection', *Electronic British Library Journal*, 2014, article no. 4 [with numerous illustrations]. To have a better idea of what these rolls look like, see Alix Bovey, *The Chaworth Roll: A Fourteenth-Century Genealogy of the Kings of England* (London, 2005);

rolls of kings were first written in Latin, at the turn of the reigns of Henry III and Edward I, and soon afterwards in Anglo-Norman French. Before then, the only work using a combination of the commented genealogical diagram and the roll format was the *Compendium historiae in genealogia Christi*, the work of Peter of Poitiers, a French theologian who taught in Paris in the late twelfth century; Peter's aim was to help students understand and memorize Biblical history.² Judging from the number of manuscripts of genealogical rolls which have come down to us (forty-two for the period 1265–1422 and, more tellingly, thirty-two before the middle of the fourteenth century), this new type of short guide to English history met with significant success. This was at least partly due to the innovative design and modest size of the rolls. During the half-century following their appearance, they were probably the most widespread work on English history and, together with the first versions of the Anglo-Norman *Prose Brut*, the most accessible to a lay readership.³ They provide us with precious evidence that sheds light on the historical culture of English lay elites in that period, and on their perception of their realm's past.

In the case of the medieval English monarchy, the choice of the genealogical form may seem paradoxical, since it highlighted, in a rather inconvenient way, the obvious discontinuities in the royal succession: first the break of 1016, when the throne was seized by the Danish king Cnut; and then two further breaks in 1066 – the usurpation of Harold Godwineson, followed by the conquest of England by William of Normandy. Another issue was the usurpation in 1135 at the death of Henry I, when Stephen seized the throne promised to his cousin Mathilda, Henry I's daughter, who was the king's only surviving legitimate offspring after the death of her brother William Adelin in the wreck of the White Ship in 1120.⁴ Even Henry I's accession to the throne in 1100 may have been questionable. It took place while his elder brother, Robert Curthose, was on his way back from crusade: Robert had been recognized as the heir to the English Crown by William Rufus before leaving for the Holy Land. This may be what the usual commentary of the genealogical rolls subtly alludes to in the first sentence of the notice on Henry I's reign: 'Iceti Henri fu elu de li memes de estre rey.'⁵ As we shall see, this phrasing is very similar to that used in other parts of the commentary to denounce outright usurpations.

and *Royal Manuscripts: The Genius of Illumination*, ed. S. McKendrick, J. Lowden and K. Doyle (London, 2011), pp. 344–7.

² Philip S. Moore, *The Works of Peter of Poitiers: Master in Theology and Chancellor of Paris, 1193–1205* (New York, 1936).

³ *The Oldest Anglo-Norman Prose Brut Chronicle: An Edition and Translation*, ed. J. Marvin (Woodbridge, 2006), and *Prose Brut to 1332*, ed. H. Pagan (Manchester, 2011). On the historical literature written in Anglo-Norman French, see R. Dean and M. Boulton, *Anglo-Norman Literature: A Guide to Texts and Manuscripts* (London, 1999), pp. 1–65.

⁴ For background to what follows see George Garnett, *Conquered England: Kingship, Succession, and Tenure 1066–1166* (Oxford, 2007).

⁵ BL, MS Royal 14 B. VI.

Obviously, the fact that Henry I may not have been the most legitimate heir to the throne had somehow to be negotiated – he could not be excluded from the genealogy. The same may be said of King John: interestingly enough, there is not the slightest allusion in the commentary to the claim of John's nephew, Arthur, the son of John's elder brother Geoffrey, or to his tragic fate. Yet in both cases, the accession to the throne may have been perceived as an infringement of the traditional – if unwritten – rules of succession. That such a rule existed is suggested by the relatively high number of those who sided with Robert Curthose in 1100–6 or with Arthur in 1199–1202. In most Western monarchies royal legitimacy was based primarily on ancestry and, in the absence of official written rules of succession, on the tradition of primogeniture in the male line: in this context, from the early eleventh century, English royal succession presented numerous anomalies. It is therefore quite surprising that it was in England that historians first used genealogical rolls in order to represent the history of their monarchy. In a way, this would have been more appropriate for the history of the French dynasty, which carried on in an unbroken line from father to son during more than three centuries after the accession of Hugh Capet in 987.⁶

If one wanted to use some genealogical – or near-genealogical – form to present the history of the English royal dynasty, the easiest way to do it was to start with William the Conqueror, from whom all the kings who followed derived their legitimacy: in spite of succession quarrels, all the kings after the Conquest were related to him by blood. This was the choice made by Matthew Paris in one of several visual *aides-mémoire* to English history written at St Albans in the 1250s, which had a decisive influence on the genealogical rolls produced later.⁷ Paris's work is a gallery of portraits, four to a page, on two succeeding folios at the beginning of his *Historia Anglorum*.⁸ A similar choice was made later for some illustrated short chronicles of the kings of England, written between the reign of Edward I and the first years of the reign of Edward III: apart from a chronicle written in Anglo-Norman prose in the 1280s and usually referred to as *Effigies ad Regem Angliae*⁹ (which begins with a miniature showing Edward the Confessor), these epitomes of English history written in Latin verse and combining miniatures of the English kings, text and small genealogical diagrams all start with

⁶ A similar point might be made for contemporary Scotland: Dauvit Broun, 'Contemporary Perspectives on Alexander II's Succession: The Evidence of King Lists', in Richard D. Oram, ed., *The Reign of Alexander II, 1214–49* (Leiden, 2005), pp. 79–98.

⁷ Olivier de Laborderie, '*Genealogiae orbiculatae*: Matthew Paris and the Invention of Visual Abstracts of English History', in Janet Burton, Philipp Schofield and Björn Weiler, eds, *TCE*, 14 (Woodbridge, 2013), pp. 183–201; and, in the same volume, Olivier de Laborderie, 'The Genealogical Chronicles of Matthew Paris: Edition', pp. 203–35.

⁸ BL, MS Royal 14 C. VII, fols 8v^o–9. See http://www.bl.uk/manuscripts/FullDisplay.aspx?ref=Royal_MS_14_c_vii.

⁹ See Judith Collard, '*Effigies ad regem angliae* and the Representation of Kingship in Thirteenth-Century English Royal Culture', *Electronic British Library Journal*, 2007, article no. 9, with full reproduction of the miniatures.

William the Conqueror.¹⁰ This had the advantage of avoiding the thorny issue of the genuine right of William the Conqueror to the English Crown, also allowed the dynastic breaks before the Conquest to be left aside.

This was not a feasible choice for the authors of genealogical rolls, whose purpose was to demonstrate how the post-Conquest kings of England were related to the prestigious Anglo-Saxon dynasty, which had exerted its authority over a unified kingdom of England since the ninth century. As far as possible, the rolls also aimed at highlighting the continuity of English history across the centuries. Like the genealogies devised by Matthew Paris, the genealogical rolls sought to increase the prestige of the monarchy by emphasizing the 'Englishness' of the kings of England since the marriage of Henry I with Edith/Mathilda, the great grand-daughter of King Edmund Ironside, the last Anglo-Saxon king before the Danish usurpation. In order to endow the English dynasty with historical legitimacy, it was therefore essential to overcome the obstacle of the Conquest. This was perfectly understood by the author or owner of the continuation of the genealogical roll that is now British Library MS Royal 14 B. VI. Writing sometime after 1340, the author lamented the fact that Edward III (and implicitly his two predecessors) had decided to be thus numbered in official documents:

This Edward had himself called Edward the third after the Conquest, that is to say after William the Bastard, in his letters and charters, and in some people's opinion it was not at all to his or his ancestors' credit, since conquest by might never gives right [*pur ceo que conquest par force ne done james droit*]; but it would be more appropriate for him to invoke a right going back to before the Conquest, otherwise he and all his successors should be considered as owners by fraud and intruders [*mes covendreit que il hust hu dreit devant le Conquest, car autrement li et tuz ses successours huisent este possessours de male foy et entrusours*].¹¹

This was no innocent remark or anecdotal point: rather it was a deep (if short) reflection on the issue of legitimacy. Since there had already been three kings named Edward before the Norman Conquest (Edward the Elder, Edward the Martyr and Edward the Confessor), and since the main purpose of the original genealogical diagram in the roll was to demonstrate the blood kinship between the Anglo-Saxon kings and the Plantagenets (as its author(s) took pains to make clear), it would have been more coherent and suitable for the three Edwards after the Conquest to be called Edward IV, Edward V and Edward VI (this is indeed the case in a few rolls). This would have emphasized the continuity of the English

¹⁰ These are the references to the manuscripts of these short chronicles I have been able to trace to date: Aylsham (Norfolk), Blickling Hall; Cambridge, Corpus Christi College, MS 175; London, Inner Temple, Div. 8/9 Shelf I, no. 511.19; BL, MS Cotton Claudius D. II; BL, MS Royal 20 A. II; BL, MS Harley 3860; Oslo/London, Schøyen Collection, MS 33; Oxford, Bodleian Library, MS Rawlinson D. 329. For illustrations of two of these, see McKendrick, Lowden and Doyle, eds, *Royal Manuscripts*, pp. 342–3 and 356–7; and http://www.bl.uk/manuscripts/FullDisplay.aspx?ref=Royal_MS_20_A_II.

¹¹ BL, MS Royal 14 B. VI, my translation.

monarchy, and strengthened the legitimacy of the later kings. From this point of view, it could not do to leave a gap in the account of English history: like nature according to Aristotle, history abhors a vacuum. Therefore, once the option of beginning the history of the kingdom with the reign of William the Conqueror was dismissed, it was out of question to skip the periods when England had been ruled by kings outside the main royal line. But why not consider them as interregna of varying length during which the legitimate heir to the throne was either in exile (Edward the Confessor from 1016 to 1042), or in open conflict with the usurper? This was the case with William the Conqueror in 1066, as far as he could be considered as Edward the Confessor's legitimate heir, and with Mathilda the Empress or her son Henry, Henry I's legitimate heirs, between 1135 and 1154.

With all this in mind one cannot but be surprised by a striking feature of the genealogical diagrams: no usurper or illegitimate king is excluded from the genealogy. This is analogous to having a genealogy of the kings of France written by some legitimist in the 1820s include Napoleon or his son. All things being equal, a similar choice was made by the authors of the genealogical rolls when they decided to include Harold Godwineson or Cnut and his two sons in genealogies whose primary purpose was to enhance the prestige of the Plantagenet dynasty. In fact, notwithstanding their general appearance, the genealogical rolls do not provide readers with genealogies *stricto sensu*, since they include individuals who are not related by blood. Representing all the kings of England in the medallions of a genealogical diagram was by no means straightforward: the temptation was probably to give a different status to legitimate kings and usurpers. This certainly happened in other pictorial representations of kings, such as the two galleries of kings compiled by Matthew Paris, beginning with King Brutus, the legendary founder of the kingdom of Britain.¹² Paris omitted Harold Godwineson in the series of portraits between Edward the Confessor and William the Conqueror. Similarly, in the illustrated manuscripts of the *Flores historiarum*, a late thirteenth-century chronicle which focuses on English history, the only kings who are systematically represented in the miniatures (generally in a coronation scene) are those from William the Conqueror to Edward I. Even when pre-Conquest kings are represented (the most frequent being Arthur and Edward the Confessor, but there are sometimes many more), Harold Godwineson is never granted kingly status.¹³ In fact, according to the pictures in these manuscripts (and contrary to the pictures in the rolls), Harold never reigned. This willingness to blot out the memory of Harold's reign was consistent with the official stance taken by William the Conqueror and by the Norman administration, as reflected

¹² BL, MS Cotton Claudius D. VI, fols 8v–9.

¹³ See Judith Collard, 'Flores historiarum Manuscripts: The Illumination of a Late Thirteenth-Century Chronicle Series', *Zeitschrift für Kunstgeschichte*, 71 (2008), pp. 441–66, esp. 464.

for instance in the inquest of the years 1085–6: in the Domesday Book, Harold is almost systematically denied kingly status.¹⁴

In the illustrated genealogical rolls, however, there is no clear evidence of usurpers being accorded a lesser status: their medallions are a similar size to those of kings, and though some of the usurpers are depicted in a demeaning way, this is not systematic; there is no consistent programme of stigmatization. For instance, no usurper is depicted without a crown, though such a device was used in the manuscripts of Bernard Gui's *Arbor genealogie regum Francorum*, written between 1313 and 1331, in which Hugh Capet himself is represented without a crown.¹⁵ In the case of the English genealogical rolls, specific signs were not used, even when available, to single out usurpers.

This does not mean that there is no difference in the treatment of kings and usurpers in the genealogies. However, the difference is to be found in the commentaries, not the diagrams. This is the case for Cnut (but not his two sons, Harthacnut and Harold Harefoot), Harold Godwineson and Stephen. As for bastardy, this was not considered – for obvious reasons – as a source of political illegitimacy. In Anglo-Norman genealogies, William the Conqueror is always called 'Willem Bastard'. In most Anglo-Norman genealogical rolls, Edmund Ironside, the ancestor of Henry I's wife and the link between the Plantagenets and the Anglo-Saxon dynasty, is generally represented as the bastard son of King Æthelred II and of 'une femme aliene qui fu sa concubine'.¹⁶ On the other hand, illegitimate power was denounced as being 'à tort' or 'par force', such as in this brief notice for Harold's reign:

Icestui Heraud, fiz au conte de Kent Godwine e frere a la roine, si regna par force e par lignage après la mort seint Edward le Confessor e se corona lui meimes a Westmester.¹⁷

The first sentence of William the Conqueror's notice states that he 'conquist le reume par bataille de Heraud, que le tint a tort'. Similarly, in Stephen's notice, it is said that he 'regna a tort e encontre leal serement e retint la corone tot le tens de sa vie en guerre e en travail'.¹⁸ The long notice dealing with Queen/St Margaret of Scotland's descent and ending with the accession of Henry II says that Henry 'moveit gwerre encuntre le rey Esteven, que tint a tort la reume d'Engleterre'.¹⁹ In a small group of three related manuscripts,²⁰ we learn that Cnut 'regna par force': this is what is said of Harold in other rolls. We find even more explicit phrases in two rolls which offer more independent versions. Thus, in British Library, MS

¹⁴ See Sally Harvey, *Domesday: Book of Judgement* (Oxford, 2014), pp. 107–8.

¹⁵ See Colette Beaune, *Le miroir du pouvoir* (Paris, 1989), p. 149.

¹⁶ BL, MS Cotton XV. 7.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ London, College of Arms, MS 3/23 B.

²⁰ Ibid.; BL, MSS Lansdowne Rolls 3 and Additional 21368.

Cotton Rolls XIII. 17, we read that Stephen ‘malement e encuntre lay tint la tere kar il ne fut mie dreit eyr de Engleterre’, and that ‘encontre droit se fist corener’; similarly, Harold ‘tent le reaume par force [...] e enchaca touz les dreyt eyrs’, and ‘sey memes se corona a Westmoster encontre Deu e encontre tote manere de dreiture’. In College of Arms, MS 12/45 B, Harold ‘fist sei corouner a force saunz assent de prelates e des barouns’; and Stephen ‘regna XIX anz a grant dolour e a grant travayle, en guerre e en bataille, car il fu corouné encontre le serment e la feauté q’il aveit fait a Mault l’Emperise, sa cosine, en temps le roy Henri, soun oncle’. In spite of this, at the beginning of the same notice, Stephen is said to have been a ‘vaillaunt chevalier e prus’.

On the whole, it is clear that Cnut is less openly criticized than the other two usurpers. Nevertheless, he is the only king in the whole genealogy to be twice described as a ‘tyrant’. But these uses of the word tyrant do not appear in the notice dealing with his reign: instead the word ‘tyrant’ is used to describe Cnut in the notices for Edmund Ironside²¹ and Edward the Exile.²² It is as if by becoming king and by inaugurating his reign with the spectacular judgement of Eadric Streona, who had betrayed Edmund Ironside, Cnut proved instantly that he had the necessary qualities for being king of England and that he was therefore no longer a tyrant. In any case, Cnut is obviously considered to be a great king, the only one in the whole genealogy who may be compared with Arthur: ‘Icestui Knout le Daneis regna après la mort Edmond Yreneside e onques devant li pus le tens au grand Artur ne fu roi de Engleterre de si grand poer.’²³ The conclusion we may draw from this is that there were different levels in the treatment of illegitimacy in the genealogical rolls: if Harold seems irredeemably bad, Stephen and Cnut were not, perhaps because they managed to keep the crown and were not ousted from power.

Surprisingly, authors of genealogical rolls did not strengthen the occasionally dubious legitimacy of kings who were nevertheless considered true kings of England (that is, the entire dynasty from William the Conqueror) by excluding the more blatant usurpers from the diagram; instead they added other rulers, whose presence in the genealogy was not essential. This resulted, paradoxically, in the expanding and lengthening of the genealogies. There are many instances of this. The most striking example, as might be expected, is that of William the Conqueror himself, whose legitimacy in terms of hereditary succession was obviously open to question. In order to compensate for his having seized the crown by force, and for his foreign origin, the author responsible for translating the Latin text of the genealogy into Anglo-Norman added to the genealogical diagram a complete and detailed lineage of William, starting with Rollo, the first duke

²¹ ‘[...] sicum li reis Knut veneit par Engleterre ausi cum tyrant’ (BL, MS Royal 14 B. VI).

²² ‘Iceti Edward s’enfuy en Hungry pur Knut le tyrant’ (BL, MS Royal 14 B. VI).

²³ BL, MS Cotton Rolls XV. 7.

of Normandy.²⁴ This is in complete contrast to all the previous Latin genealogies (in the form of either roll or codex), where this lineage is never specified. For instance, in British Library, MS Additional 30079, which provides the Latin text used for all subsequent Anglo-Norman translations, William's medallion is linked by a line to the left edge of the roll, as if to highlight that he came from outside. The Anglo-Norman rolls, however, all enhance the ducal line: this is a way to assert, sometimes very vividly, William's prestigious pedigree, despite his lack of royalty.²⁵ In several illustrated rolls, the dukes of Normandy are even given royal attributes such as a throne or a sceptre. In two rolls,²⁶ Duke Richard II, William's grandfather, is depicted with a crown and is inserted into a medallion of the same size as those of the kings in the genealogy: nothing allows the reader to distinguish him from the kings of England. In fact this seems to predispose William himself to the English throne. To some extent pictorial devices such as these could make up for his lack of royal ancestry.

It was in any case essential to reinforce by all means available the legitimacy of William the Conqueror. This may explain the systematic inclusion of Harold Godwineson in the genealogical diagram, in spite of his not being related to any of the previous or following kings. Removing him from the list of kings who had actually reigned over England would not have resulted merely in a one-year gap in the historical account of the English monarchy: it would have weakened the whole justification for the Conquest itself as it had been presented by William and his supporters. Since there was no point in denying that William had conquered England by force of arms (hence his nickname of Conqueror, which is generally used in the medallion where he is shown as king), it was all the more necessary to stress that the 'king' he had ousted from the throne and killed in battle was, unquestionably, a usurper: 'Icesti Willam, le conquerour d'Engleterre, conquest le reame par bataille de Haraud, le fiz Godwine, conte de Kent, que le tint à tort.'²⁷ In the only Anglo-Norman genealogical roll giving a detailed justification of William's conquest, Harold is also stigmatized as a perjurer, as he was in most previous Latin genealogies:

Pur treis resons vient le duk William en Engleterre: un, por ceo qe Godwyne e cez fitz avoient occis Alfred, soun cosyn; un altre, qe sez parens furent exile hors de Engleterre; la tierce, qe Haraud fuist perjurez e ne luy voleit tenier cez covenantz. Et neporquant sy fui William cosyn seint Edward le roi.²⁸

²⁴ See Olivier de Laborderie, 'La mémoire des origines normandes des rois d'Angleterre dans les généalogies en rouleau des XIII^e et XIV^e siècles', in Pierre Bouet and Véronique Gazeau, eds, *La Normandie et l'Angleterre au Moyen Âge* (Caen, 2003), pp. 211–31 and figs 1–4.

²⁵ This is particularly true of BL, MS Royal 14 B. VI; see McKendrick, Lowden and Doyle, eds, *Royal Manuscripts*, p. 345.

²⁶ Cambridge University Library, MS Oo. VII. 32; Oxford, Bodleian Library, MS fr. d. 1.

²⁷ London, College of Arms, MS 20/2.

²⁸ London, College of Arms, MS 12/45 B. Matthew Paris even used this as a sort of nickname in some of his genealogies, calling him 'Haraldus Perjurus' in his medallion: see de Laborderie, 'The Genealogical Chronicles', pp. 212, 232.

In a way, Harold's usurpation provided the strongest justification for William's conquest and seizure of the English throne; therefore, the absence of Harold from the genealogical diagram would have gone against the general aim of the genealogies.

A second example of this process is a feature shared by all genealogical rolls written in Anglo-Norman French: this is the way in which the starting point of the genealogy can be seen to shift from Alfred to his grandfather Egbert. This feature is already present in British Library, MS Additional 30079. There may be many reasons for this major change if we compare the Anglo-Norman genealogies with their 'prototypes', i.e. the various genealogies of the kings of England devised by Matthew Paris in the 1250s, which begin with Alfred. I have attempted to show elsewhere why this was so.²⁹ Here, however, I would like to suggest yet another explanation: like William, but unlike Alfred, Egbert was not the son of a king, therefore he was not destined from birth to become king of England. Like William, he is described as a warrior king and a conqueror. After the death of King Brihtric, he was called back from his French exile by the people of Wessex, but it was his alleged conquest of the other kingdoms of the Heptarchy that won him the title of king of England. This comes across clearly in the last sentence of the long introductory commentary of the circular diagram of the Heptarchy which is usually placed at the top of the first membrane of these rolls and serves as a kind of frontispiece. Here the commentary explains why Egbert has been chosen as the 'head of the genealogy':

E comensum a noble guerreour Ethelberd [Egbert], le fils Aylmund, ke tient le regne de Westsex e conquist vigrousement par bataylle trestute la seignourye de Engleterre sur tuz les autres reis, sicum il apiert desuz.³⁰

Identifying Egbert as the first king of England set a precedent, in so far as 'conquest' – if consolidated by the establishment of a lasting authority – could be on its own the main justification of kingship. In a way, Egbert announced William the Conqueror. The decision to show the Conquest in a favourable light becomes obvious when one considers the way the authors or patrons of the rolls went back to the origins of the island's history. According to Geoffrey of Monmouth (c. 1100–c. 1155), the author of the popular *Historia Regum Britannie*, monarchy as well as civilization had been brought into the British Isles by the exiled Trojans under the leadership of Brutus, who gave his name to the island. When they arrived in this 'promised land', however, they found it was not empty – it was inhabited by giants. This explains why Brutus and his companions had to *conquer* the island, a fact that is repeatedly emphasized in about a third of

²⁹ See Olivier de Laborderie, 'The First King of England? Egbert and the Foundations of Royal Legitimacy in Thirteenth-Century Historiography', in Sean McGlynn and Elena Woodacre, eds, *The Image and Perception of Monarchy in Medieval and Early Modern Europe* (Newcastle upon Tyne, 2014), pp. 70–83.

³⁰ BL, MS Royal 14 B. VI.

the rolls. The history of the kings of Britain thus served as a kind of 'prehistory' to that of the kings of England. To quote but one example, here is what we read in the first notice of College of Arms, MS 20/5:

Brutus, fitz Sisille, primer roi de Bretagne, de Grece vient en la isle de Albion devaunt l'Encarnacion Nostre Seignour Mil CC aunz. En le quele ile il trova XIII geantz, les quex il et ses compaignons tuerent et la isle conquistrent et après soun noun l'appellerent Bretagne et puis a ses compaignons la devisa.

According to this narrative, the birth of Britain coincided with a conquest: this founding myth could contribute to the promotion of other conquerors who had in turn 'regenerated' the longstanding insular monarchy by conquest. Moreover, adding some or all of the kings of Britain to the beginning of the genealogy meant pushing the question of legitimacy into the background, since there was absolutely no blood relationship between the kings of Britain and the subsequent kings of England. Finally, the history of the kings of Britain as told by Geoffrey of Monmouth is far from being the history of a single royal lineage: instead it is a tale of dynastic disruptions, usurpations, depositions and foreign invasions.

Another example occurs in only a few illustrated genealogical rolls, but it is particularly revealing of the way adding a single ruler to the genealogy could suggest the rehabilitation of another.³¹ This was done by inserting a medallion and a notice for the Danish king Swein [Swegn Forkbeard], Cnut's father, who had been recognized as king of England between the autumn of 1013 and his death in February 1014. This insertion brought about two interesting changes. First, Swein – and not Cnut (as was frequently the case in the previous illustrated rolls) – is represented with a war-axe. This weapon denotes the Danish conqueror and, implicitly, the usurper, as is the case in the longest 'gallery of kings' painted by Matthew Paris.³² Second, in the notice dealing with Edmond Ironside in the commentary, Cnut's name has been replaced by his father's in the sentence where he is stigmatized as a tyrant, as we have seen earlier. The addition of Swein into these genealogies was a further step towards rehabilitating Cnut, a process already well under way in his own notice. By inserting Swein, and granting him the axe of conquest, the genealogies made it impossible to distinguish Cnut straightaway from the other kings of England, with whom he was now on an equal par, his own axe being generally replaced by a sceptre or a sword. Moreover, the addition meant that Cnut no longer had the unhappy privilege of being the only king

³¹ There are now four of them, since the first membranes of Cambridge University Library, MS Dd. III. 58 (which was probably the model for the four others) are now missing: Cambridge University Library, MS Oo. VII. 32; Oxford, Bodleian Library, MS Fr. d. 1; the Chaworth Roll; and Cambridge University Library, MS Dd. III. 57 (a late fourteenth-century copy of the Chaworth Roll).

³² This gallery of thirty-two kings is now placed at the beginning of the *Abbreviatio chroni-corum* (BL, MS Cotton Claudius D. VI), fol. 8v°. See Suzanne Lewis, *The Art of Matthew Paris in the Chronica Majora* (Aldershot, 1987), p. 154.

characterized as a tyrant. The main purpose of the insertion of Swein in the genealogical rolls seems to be to mask his son's flaws.

The last example is more anecdotal, but nevertheless quite arresting. It also gives an indication that the owners of some genealogical rolls had a deep interest in Arthurian literature. Indeed, one of them – the owner or initial commissioner of British Library, MS Cotton Roll XV – went to great lengths to reflect that interest: at the beginning of the roll is a much-condensed version of the history of the kings of Britain, as well as an impressive miniature representing the conquest over the former inhabitants of Albion, the giants, by Brutus and his companions; moreover, there is also a medallion for King Arthur, inserted between those of Alfred and Edward the Elder. The text of the notice next to the medallion specifies that Arthur reigned in 'Engleterre', that he had been 'le plus renommé roi qui onque fust', and that his reign had seen 'les chevaleries e les aventures dont vus oez conter'. Apart from the blatant anachronism, it looks as if, in the mind of the owner of the roll, the absence of the greatest king of all from the genealogy of the kings of England could not be endured: what was the point of recounting the history of the kings of England if the most illustrious of all their *antecessores* (in the sense of predecessors, not of ancestors) could not be included to add to their prestige?

Finally, the most surprising feature of the genealogical rolls is not so much the presence of *de facto* kings who were not related by blood to the main Anglo-Saxon dynasty,³³ but rather the potentially disturbing presence of Edgar Ætheling, who could be considered as a legitimate pretender to the English crown. Indeed, Edgar had been recognized as king of England by a significant proportion of the barons in the immediate aftermath of the battle of Hastings. However, his presence in the diagram does make sense if one recalls that the aim of the authors of these genealogies was to demonstrate the Anglo-Saxon roots of the Plantagenets. The link between Henry II and Edmund II Ironside went through three women and one man: Henry's mother, Mathilda the Empress; his grandmother Edith/Mathilda, wife of Henry I; his great grandmother, St/Queen Margaret, wife of the king of Scotland Malcolm III Canmore; and her father, Edward the Exile. Since Margaret was Edgar Ætheling's sister (apparently a younger sister), it was difficult to ignore him altogether in the stem showing 'la generacion de Margarete', which connected Edmund Ironside's medallion to that of Edith/Mathilda. Yet, if the Plantagenet kings drew some of their legitimacy from Margaret, this was tantamount to saying that Edgar Ætheling, and not William the Conqueror, had been the rightful heir to the throne at Edward the Confessor's death, and again after Harold's death in 1066.

This may explain why the authors of the genealogical rolls felt compelled to deal at length with this embarrassing surviving male issue of the 'Cerdic's stock': they expended considerable effort justifying why and how he had been excluded

³³ Such as the Danish kings or Harold Godwinson, whose inclusion could contribute to some extent to reinforce the tenuous legitimacy of other kings, especially William the Conqueror.

from the succession. In the commentary on the diagram Edgar does not have a notice of his own (not even a short one, unlike his father, Edward the Exile); usually he is not explicitly referred to in the notices dealing with the reigns of Harold Godwineson or William the Conqueror either, as if he had already left the scene.³⁴ Nor is he mentioned in the long notice detailing Margaret's descent. In fact, it is only the notice of Edward the Confessor that mentions Edgar's claim to the English throne, which was conveyed by his title (the Anglo-Saxon word 'ætheling' meaning throne-worthy). There, he appears on three different occasions. Altogether they give a relatively coherent version of the events:

Iceti Edward repela de Hungrie ces nevous e ces neces, c'est a savoer Edgar Ethe-
ling, k'il ama especiaument e desireit ke il fust son eyr e successeur del reaume. [...] Edgar Etheling, regardant les choses de Engleterre en tribulacion après la mort son
ouncle, il fist garnir ces nefes e entra lenz li e ces soers e aveient en purpos de retourner
en Hungrie, ou il fu né e nurri. Mes, pur une tempeste ke lor neisseit en la mer, il
ariverunt en Escoce. [...] Les uns dient ke seint Edward, veant la mavesté de sa
gent, e nomement le orgul de fiz Godwyne, c'est a savoer de Haraud, de Tosty, de
Courthy e de Lewyn e des autres freres, il aparcust ke ce ne poet pas estre ferm ne
estable k'il aveit en purpos de Edgar Etheling son neveu. E por ce il establi devant
sa mort Willam Bastard, ki fu duc de Normandie e son cosin e fort homme e batil-
lous, de estre son successeur del reaume. Le quel regne levant dit Willam Bastard
porchasa e comquid vigoroisement a grant victorie.³⁵

According to this account, Edward the Confessor had planned to hand over the crown to his great-nephew Edgar. But circumstances had compelled him to change his mind in order to protect Edgar's life and the kingdom's stability: he then chose William, who was a more distant relative, as his heir. And it was for fear of Harold and his powerful family that Edgar Ætheling had to flee abroad just after the Confessor's death. The implicit result of this demonstration was that ultimately Harold had been responsible for Edgar's being deprived of his inheritance. In this rather fanciful sequence of events Edgar's flight is placed in early 1066: in reality Edgar left England two years later, in 1068, long after William's accession to the throne. This was not simply inaccurate, it was a deliberate falsification of events designed to blame Harold for the ousting of Edgar, a falsification which is all the more striking given that the genealogical rolls are usually accurate in their account of English history. This may also account for the fact that the commentary does not mention the proclamation of Edgar Ætheling as king of England by what remained of the *witan* just after the battle of Hastings. This

³⁴ There is one exception, London, College of Arms, MS 12/45 B, whose first membranes are now missing, so that we do not know what was written in the notice dealing with Edward the Confessor. Here, Edgar is clearly presented as the rightful heir to the throne at the very beginning of the notice dealing with Harold: 'Après le mort le bon roy Edward, si voloient les barouns corouner Edgar Ethelyng, mez Haraud, fitz le counte Godwyn, fu riche e forcibles de amys e de avoyr, prist la tere e fist sei corouner.'

³⁵ BL, MS Cotton Rolls XV. 7.

would have undermined the official Norman version of the Conquest. The point here was clearly to emphasize the fact that William the Conqueror had no hand whatsoever in the process which led to the disinheritance of Edward the Confessor's next of kin,³⁶ and that when the duke of Normandy defeated the usurper Harold at Hastings, Edgar Ætheling had already fled the country and therefore renounced his right to the throne. This seems particularly remarkable when one remembers that there was no real need to represent this legitimate candidate for the throne in the genealogy: he had never been crowned and had never reigned over England. But despite this, and however challenging his presence, Edgar could not be omitted – an unusual distortion of reality was deemed preferable to his exclusion.

Conclusion

The stance adopted in the genealogical rolls towards usurpers or kings with a questionable legitimacy reveals a very pragmatic approach to a highly complex issue. At the turn of the thirteenth and fourteenth centuries, English history had already encountered several major dynastic crises and one real upheaval, the Norman invasion of 1066. This had led to the lasting replacement of the old line of Saxon kings, 'Cerdic's stock', by a new, foreign, royal dynasty. Nevertheless, covering a lengthy period of almost five centuries, the authors of the genealogical rolls that were put together from the late thirteenth century onwards decided to include into their genealogical diagram all the kings who actually had exercised royal authority in England, although the text described them as kings without a lawful right. None of them was subjected to a form of *damnatio memoriae*. Inevitably, presenting the succession to the throne of England in the relatively unusual form of a genealogical diagram together with a short commentary highlighted the many disruptions which were an integral part of the history of England. Instead of trying to ignore or conceal them, the authors of the rolls decided to make these disruptions plainly visible to their readers. They could not but acknowledge the fact that, at certain points in its history, England had been ruled by usurpers or, at least, by kings who were not the closest heirs to the throne. Some of them, especially Harold Godwinson, were openly considered as unworthy of the crown they had seized; others, for instance Cnut or Stephen, were partially rehabilitated owing to their inherent qualities or to their ability to meet the expectations of their subjects. But no king was overtly denied his kingly status either in the text or, when the rolls are illustrated, in the pictures. The underlying assumption was that having the right pedigree was no guarantee that an individual would make a good king; nor was it an absolute requirement. Indeed, according to the commentary of the genealogical rolls, which drew on historians such as William

³⁶ The variant of BL, MS Cotton Roll XIII. 17 puts it even more forcefully in the brief notice dealing with Edward the Confessor: 'Mes Harald, le fiz Godwine, conte de Kent, tent le reaume par force après sa mort e *enchaca touz les dreyt eyrs*' (author's italics).

of Malmesbury (c. 1095–c. 1143), Henry of Huntingdon (c. 1088–c. 1157) and Ælred of Rievaulx (1110–67), the worst kings of England – Edwin (i.e. Eadwig, elder brother of King Edgar) and William Rufus – had been perfectly legitimate heirs to the throne. One may wonder whether the ability to dissociate legitimate governance from legitimate accession to the throne may have been useful when it came to facing the dynastic crises of the future.

Local Loyalty and Absentee Authority in Thirteenth-Century Normandy: The Evidence of the *Querimoniae Normannorum* (1247)

TOM HORLER-UNDERWOOD

King John's 'loss of Normandy' to the French king Philip Augustus in 1204 greatly enlarged the area over which the Capetian monarch exercised dominion. However, the political and economic gains which the conquest of the duchy brought to the French royal domain were tempered by the difficulty of ensuring that the authority of the French king was established and exercised effectively in Normandy without inciting rebellion. Although the Capetian monarchs paid close attention to the duchy after 1204, Normandy came to be regarded as 'a supine dominion': an important territory, but one whose importance was overshadowed by the royal domain centred on Paris.¹ The duchy in the thirteenth century was no longer at the centre of Continental expansion, as it had been under Angevin rule.² Instead, the Capetian monarchs 'exercised power across the duchy from afar through *baillis* and a coterie of trusted magnates and royal knights', who were responsible for maintaining and exercising royal authority in the name of the king.³

Great care was taken to appoint suitable officials to these posts; an *exemplum* from the fourteenth century tells of how Louis IX, king of France between 1226 and 1270, recorded information about men in positions of administrative responsibility, listing their virtues and using this information to make appointments to local offices as they became vacant.⁴ Nonetheless, the conduct of these local officials frequently brought them into conflict with those living under their rule. A kingdom-wide *enquête* carried out under the orders of Louis IX in 1247–8

- ¹ D. J. Power, 'Angevin Normandy', in C. Harper-Bill and E. van Houts, eds, *A Companion to the Anglo-Norman World* (Woodbridge, 2003), p. 63; J. W. Baldwin, *The Government of Philip Augustus: Foundations of French Royal Power in the Middle Ages* (Berkeley, 1986), p. 220.
- ² C. Petit-Dutaillis, *The Feudal Monarchy in France and England from the Tenth to the Thirteenth Century* (London, 1936), p. 166.
- ³ D. J. Power, *The Norman Frontier in the Twelfth and Early Thirteenth Centuries* (Cambridge, 2004), p. 450.
- ⁴ *Four English Political Tracts of the Later Middle Ages*, ed. J.-P. Genet (London, 1977), pp. 203–4; A. Harding, *Medieval Law and the Foundations of the State* (Oxford, 2001), p. 148.

to investigate the conduct of local officials ‘uncovered widespread local corruption [...] and intimidation of the populace’, and a significant number of people living under French rule took the opportunity to complain about the corruption of French royal officials.⁵

The Norman returns to this *enquête*, the *Querimoniae Normannorum* (‘Complaints of the Normans’), are particularly valuable because they demonstrate how the changes which were imposed by Capetian local officials after 1204 secured the annexation of Normandy to the French royal domain. The duchy remained a distinct political unit in the thirteenth century, and retained many of its former traditions. Nonetheless, there were a number of important changes which affected the lives of those who lived in the duchy, and profound social, economic and cultural changes accompanied the collapse of Plantagenet rule and the establishment, exercise and consolidation of Capetian royal authority.⁶

Although the impact of the ‘loss of Normandy’ on the English and Anglo-Norman aristocracy has received substantial investigation, relatively little work has been done to consider the wider impact on Norman society in this period.⁷ Studying the impact on lower levels of Norman society, which the *Querimoniae Normannorum* reflect, reveals the localized changes which Normans living under Capetian rule experienced, and demonstrates how officials consolidated Capetian rule in the duchy in the absence of the king. Although the changes imposed proved insufficient to incite Normans to rebellion after 1204, the *Querimoniae* suggest that many Normans’ lives were adversely affected by Capetian rule, painting a picture which contrasts markedly with the settled prosperity which, it has sometimes been assumed, accompanied the swift Capetian conquest.

The *enquête* of 1247

The *Querimoniae Normannorum* were collected as part of Louis IX’s preparations for his first crusade, the vow for which he had taken in December 1244, and upon which he departed in 1248.⁸ In January 1247, Louis ordered a kingdom-wide *enquête* be carried out by Dominican and Franciscan friars, the purpose of which

⁵ W. C. Jordan, ‘The Capetians from the Death of Philip II to Philip IV’, in D. Abulafia, ed., *NCMH*, V, c. 1198–c. 1300 (Cambridge, 1999), pp. 290–1; W. C. Jordan, ‘Anti-Corruption Campaigns in Thirteenth-century Europe’, *JMH*, 35 (2009), pp. 204–19.

⁶ Power, ‘Angevin Normandy’, p. 85.

⁷ R. Jouet, ... *et la Normandie devint Française* (Paris, 1983), pp. 62–108. Specific studies include D. J. Power, ‘L’établissement du régime Capétien en Normandie: Structures royales et réactions aristocratiques’, in A.-M. F. Hélicher and V. Gazeau, eds, *1204: La Normandie entre Plantagenêts et Capétiens* (Caen, 2007), pp. 319–43; K. Thompson, ‘Les femmes dans la société normande après 1204’, in *ibid.*, pp. 345–56; M. Billoré, ‘Pouvoir et noblesse en Normandie (fin XII^e–début XIII^e siècles): De l’autocratie Plantagenet à la domination Capétienne’ (unpublished PhD dissertation, Université de Poitiers, 2005).

⁸ Jean de Joinville, *The Life of Saint Louis*, trans. R. Hague, ed. N. de Wailly (New York, 1955), ch. 24.

was to investigate accusations of misconduct against local officials.⁹ The friars were instructed to record 'any injuries, exactions, services unjustly received, and other burdens which are imposed on any by our *baillis*, *prévôts*, foresters, sergeants, or their households during our reign'.¹⁰

Several thousand complaints were heard and collated. The *enquête* was not put in motion in response to specific complaints about the conduct of local officials: Louis' focus in 1247 was the crusade, rather than local administrative reform.¹¹ Nevertheless, the twin concerns of royal administration and success in the crusade were not mutually exclusive. According to Geoffrey de Beaulieu, author of a *Life* of the French king, Louis was as responsible as his local officials for injuries which befell his subjects.¹² As such, the king ordered the inquiry so that he could identify where his officials were abusing their position, and act to correct their misdeeds. By doing so, Louis hoped he would secure divine blessing for his crusade.¹³

Louis was not the first monarch to order such an inquiry. His grandfather, Philip Augustus, inherited in Normandy a strong tradition of inquests and a well-established inquisitorial procedure.¹⁴ At the end of the twelfth century, the king had instructed that a special court should be held at Paris three times a year while he was away on crusade to investigate complaints against local *baillis*.¹⁵ However, this was a temporary measure, designed to address an immediate need while Philip was away, and it did not continue in the thirteenth century. Nevertheless, a plethora of inquests treating matters ranging from feudal holdings to complaints raised by the clergy took place in the first half of the thirteenth century.¹⁶ Where the *enquête* of 1247 differed from previous inquiries was that in the past, complaints had been heard by the very *baillis* about whom complaints were being made. In 1247, complaints against local officials were made to mendicant friars with no discernible connection to the territory they were investigating.¹⁷

⁹ A. Wyse, 'The *enquêteurs* of Louis IX', *Franciscan Studies*, 25 (1944), pp. 34–62.

¹⁰ *Recueil des historiens des Gaules et de la France*, ed. M. Bouquet *et al.* (24 vols, Paris, 1738–1904) [hereafter *HF*], xxiv, 4* no. 3; *Layettes du Trésor des Chartes*, ed. M. J. de Laborde (5 vols, Paris, 1863–1909) [hereafter *LTC*], v, no. 490.

¹¹ A complaint made by the bishop of Orléans, who had listed grievances against his *bailli* in 1245, may have been a precipitating factor: *LTC*, ii, no. 3338.

¹² Geoffrey de Beaulieu, *Vita Ludovici Noni*, in *HF*, xx, 5 (ch. 6); M. C. Gaposchkin, *The Making of Saint Louis: Kingship, Sanctity, and Crusade in the Later Middle Ages* (Ithaca, NY, 2008), pp. 34–5.

¹³ J. Le Goff, *Saint Louis* (Paris, 1996), trans. G. E. Gollrad (Notre Dame, IN, 2009), pp. 126–7.

¹⁴ Baldwin, *Government of Philip Augustus*, p. 249.

¹⁵ H. G. Richardson, 'The Origins of Parliament', in R. W. Southern, ed., *Essays in Medieval History Selected from the 'Transactions' of the Royal Historical Society on the Occasion of its Centenary* (London, 1968), pp. 150–77, at 152.

¹⁶ Baldwin, *Government of Philip Augustus*, p. 250.

¹⁷ J. W. Fesler, 'French Field Administration: The Beginnings', *Comparative Studies in Society and History*, 5 (1962), pp. 76–111, at 85.

This must have reassured Normans that they could state their grievance against local officials without fear of reprisals.

The *Querimoniae Normannorum*

The complaints of over 1,000 Normans were recorded in 1247. While the *Querimoniae Normannorum* have been available to historians in a printed edition since 1904, they have received little sustained scholarly attention.¹⁸ The diversity of the grievances recorded has commonly been regarded as a disadvantage; however, it is in this diversity that the complaints reveal how extensively life in Normandy changed as a result of Capetian rule. By their very nature, the *Querimoniae* show only what was considered worthy of complaint.¹⁹ It would be dangerous, therefore, to infer from the *Querimoniae* that all royal government in Normandy was corrupt or heavy-handed. But nor should the complaints be dismissed as the exaggerated grievances of people seeking revenge upon their new Capetian rulers. At close inspection, many of the ‘crimes’ recorded in the *Querimoniae Normannorum* emerge as violations of Norman custom which might be expected with any transition of political power, rather than a ‘gangsterish machine running the countryside’, as Robert Bartlett suggested was the case in the Ardennes.²⁰

Although the professed purpose of the *enquête* was to investigate the conduct of local officials, most of the *Querimoniae Normannorum* were made *de rege*. There are some exceptions; Pierre du Thillay, *bailli* of Caen between 1205 and 1224, and Jean de la Porte, *bailli* of Rouen between 1219 and 1228, are named directly.²¹ However, these are anomalous and their identification in this way reflects the collaborative manner in which the manuscript was compiled, rather than singling them out as more deserving of criticism than other officials.²² The use of *de rege* also contrasts with complaints raised elsewhere in France at this time, many of which were made against named officials.²³ The use of *de rege* suggests that the Normans who complained considered the French king personally responsible for their various predicaments, a sign that the effects of his actions were keenly felt even though he was absent from the duchy.

¹⁸ *HF*, xxiv, pp. 1–73; C. Petit-Dutaillis, ‘Querimoniae Normannorum’, in A. G. Little and F. M. Powicke, eds, *Essays in Medieval History Presented to T. F. Tout* (Manchester, 1925), pp. 99–118; Jouet, ... *et la Normandie devint Française*, pp. 106–8.

¹⁹ R. Bartlett, ‘The Impact of Royal Government in the French Ardennes: The Evidence of the 1247 *enquête*’, *JMH*, 7 (1981), pp. 83–96, at 91.

²⁰ *Ibid.* p. 90.

²¹ *Querimoniae Normannorum*, printed in *HF*, xxiv, pp. 1–74 [hereafter *QN*], nos 96–101.

²² T. Horler-Underwood, ‘The *Querimoniae Normannorum* (1247): Land, Politics and Society in Thirteenth-Century Normandy’ (unpublished PhD thesis, Swansea University, 2013), pp. 32–5.

²³ However, see M. Déjoux, ‘Après la conquête, les enquêtes? L’exemple des *Querimoniae Biterrensiens* de 1247–1248’, in M. Bourin, ed., *En Languedoc au XIII^e Siècle: Le temps du sac de Béziers* (Perpignan, 2010), pp. 269–88, at 276–7.

This did not mean that local officials were not identified as bearing responsibility for the changes which were introduced to Normandy. Although complaints were made *de rege*, it is the actions of local officials which emerge as being the cause for complaint. The *Querimoniae* indicate that these officials were regarded as the personified extension of royal power in the duchy, and that the French king was held responsible for rectifying their misdeeds. However, an interesting pattern is apparent. With only one exception, none of the officials named in the *Querimoniae* was in post at the time the complaints were collected.²⁴ In some cases, such as complaints made against the former Angevin seneschal, William le Cras, the officials named had served under King John rather than being representatives of Capetian rule. The *Querimoniae Normannorum* therefore stand as a record of historic grievances, an indictment of nearly half a century of Capetian rule in the duchy, rather than of malpractice contemporary to Louis IX's crusade. They therefore provide clear evidence of how French royal authority was established in Normandy between 1204 and 1247, and show how the lives of non-aristocratic Normans were affected by royal officials acting in the name of an absentee king.

The Government of Normandy after 1204

Because the *Querimoniae* contain grievances which date back to 1204, they provide illuminating evidence of how the actions of new royal officials served to establish French royal authority in Normandy at the beginning of the thirteenth century. As would be expected, the conquest of 1204 was followed swiftly by a number of new appointments to local office. New *baillis* were installed in Rouen, Caux and Pont-Audemer in 1204, in Caen and Verneuil in 1205, in Bayeux in 1206, and in the Cotentin in 1207. Many of those appointed by Philip Augustus were not from Normandy, although there were two notable exceptions.²⁵ One was Jean de Rouvray, castellan of Arques, a Norman who had aided Philip in the conquest of Normandy and who was the first Capetian *bailli* of Caux.²⁶ The other was Guérin du Glapion, who had served John as seneschal of Normandy between

²⁴ The exception was the *bailli* of Rouen, Étienne de la Porte, appointed in 1247, who was accused of forcing the payment of *tiers* and *danger* which the complainant had not been held to pay previously: *QN*, no. 354. *Tiers* was introduced to Normandy under Capetian rule. Although it had Angevin precedent, *danger* was not held to be customary in the duchy, even in the fourteenth century.

²⁵ Q. Griffiths, 'New Men among the Lay Counselors of Saint Louis' Parlement', *Medieval Studies*, 32 (1970), pp. 234–72, at 243–6; L. Musset, 'Quelques problèmes posés par l'annexion de la Normandie au domaine royal français', in R.-H. Bautier, ed., *La France de Philippe Auguste: Le temps des mutations* (Paris, 1982), pp. 291–309, at 303–4; Baldwin, *Government of Philip Augustus*, pp. 134, 222.

²⁶ D. J. Power, 'Between the Angevin and Capetian Courts: John de Rouvray and the Knights of the Pays de Bray, 1180–1225', in K. S. B. Keats-Rohan, ed., *Family Trees and the Roots of Politics: The Prosopography of Britain and France from the Tenth to the Twelfth Century* (Woodbridge, 1997), pp. 361–84.

1200 and 1201, and who was referred to as 'our seneschal' by Philip Augustus after 1204, even though by 1207 this office no longer existed.²⁷

Philip appointed non-native officials to administer Normandy in order to avoid local officers having any prior association with the area they were to control. This would, Philip hoped, reduce the risk of their inciting Norman rebellion.²⁸ The choice of men who had been instrumental in the military conquest of the duchy also suggests that Philip Augustus sought to reward his supporters by appointing them to local political office. Men such as Guillaume Poucin, *bailli* of Rouen between 1204 and 1207, and Nicholas Bocel, *bailli* of Verneuil between 1205 and 1207, as well as the mercenary Lambert Cadoc, had all helped Philip to conquer Normandy. Appointing such men to administer Normandy not only rewarded them for their loyalty, but also ensured that any potential rebellion from Normandy could be put down militarily.

The *Querimoniae* show that some of these new officials appointed by Philip found it difficult to make the transition from a military to an administrative attitude. Cadoc, in particular, governed according to his own brand of petty vindictiveness, becoming 'an imposing and much hated figure in Norman politics for many years'.²⁹ Among the many complaints against Cadoc in the *Querimoniae* were seizures of land because of a marital vendetta,³⁰ seizures because a tenant had not wanted to grant Cadoc a mill,³¹ and seizures because of an unspecified grudge against a tenant's father.³² One knight complained that Cadoc had taken two houses from his father because his father had not wanted to give Cadoc a goshawk which he sought.³³ Another complained that Cadoc had imprisoned him at Pont-Audemer, accusing him of being involved in the killing of a squire in 1210. The knight had been freed only after he had promised a payment of 200*lt* to Cadoc, which the knight assumed would pass to the king but which Cadoc kept for himself.³⁴ However, Cadoc seems to have been in the minority, for it appears that few officials knowingly exploited their position for personal gain.

Philip did not rely solely on men with military capability to govern Normandy after 1204. As French rule in the duchy stabilized, the Capetian kings turned

²⁷ D. J. Power, 'Guérin de Glapion, Seneschal of Normandy (1200–1): Service and Ambition under the Plantagenet and Capetian Kings', in Nicholas Vincent, ed., *Records, Administration and Aristocratic Society in the Anglo-Norman Realm: Papers Commemorating the 800th Anniversary of King John's Loss of Normandy* (Woodbridge, 2009), pp. 153–92.

²⁸ William Chester Jordan, 'Anti-Corruption Campaigns in Thirteenth-Century Europe', *JMH*, 35 (2009), pp. 204–19.

²⁹ F. M. Powicke, *The Loss of Normandy, 1189–1204: Studies in the History of the Angevin Empire*, 2nd edn (Manchester, 1913; repr. 1999), p. 231.

³⁰ *QN*, no. 72.

³¹ *Ibid.*, no. 71.

³² *Ibid.*, no. 491.

³³ *Ibid.*, no. 278.

³⁴ *Ibid.*, no. 102. Cadoc was imprisoned for being indebted to the French king, which may have been the result of his retaining fines and payments such as this. I intend to devote a separate study to Cadoc's career as a mercenary and *bailli*.

increasingly to men who had served them in other administrative positions.³⁵ The appointment of Pierre du Thillay, a Frenchman from the Île-de-France, to the important *bailliage* of Caen was based upon Pierre's experience as an administrator.³⁶ Berruyer de Bourron served as *bailli* of Sens between 1222 and 1224 before being appointed *bailli* of Verneuil in 1226.³⁷ Jean de Fricamps served as *bailli* of Amiens between 1225 and 1227, before being appointed to the Cotentin, where he served as *bailli* between 1227 and 1231, after which he was appointed to the post of seneschal of Carcassonne in 1236.³⁸ Jean des Vignes, who administered the *bailliages* of Rouen and Caen between 1228 and 1244, had previously served the king as *prévôt* of Senlis. Even as early as 1207, there is evidence that Philip turned to proven administrators for appointment to Normandy: Renaud de Cornillon, *bailli* of the Cotentin between 1207 and 1214, had served as *prévôt* of Paris in 1202.³⁹

Although Philip 'was disposed to perpetuate the administrative machinery intact' in order to encourage Norman loyalty to his rule, some important administrative changes did take place.⁴⁰ One such change was the abolition of the post of seneschal from Normandy, partly because the frequent absence of the French king made him cautious about allowing such a powerful official to hold so much authority, and partly to bring the administration of Normandy into line with that of the Capetian royal court, where the post of seneschal had already been discontinued.⁴¹ This was in contrast to the situation elsewhere; in other territories conquered by the French king in 1204, seneschals were retained, demonstrating that Normandy was treated separately among the lands acquired by Philip from King John.⁴²

Lower-level administrative changes were also apparent, and the *Querimoniae* show that *baillis* in Normandy played an important role in effecting these. One area in which Jean des Vignes, *bailli* of Caen, Gisors and Rouen between 1226 and 1244, was particularly active was in attempting to eradicate hereditary sergeantries from Normandy. He was noted to have deprived Gilbert Topelin of

³⁵ L. Delisle, 'Chronologie des baillis et des sénéchaux royaux depuis les origines jusqu'à l'avènement de Philippe de Valois', *HF*, xxiv, pp. 15*–270*.

³⁶ He had served as *prévôt* of Paris and as *bailli* of Orleans, prior to being appointed to Caen following the conquest: Baldwin, *Government of Philip Augustus*, p. 132; J. W. Baldwin, 'La fortune foncière de Pierre du Thillay, *bailli* de Philippe Auguste', in Héricher and Gazeau, eds, *1204: La Normandie entre Plantagenêts et Capétiens*, pp. 357–66.

³⁷ Delisle, 'Chronologie des baillis et des sénéchaux royaux', pp. 15*–270*, 36*, 126*.

³⁸ *Ibid.*, p. 246*.

³⁹ *Ibid.*

⁴⁰ Baldwin, *Government of Philip Augustus*, p. 221.

⁴¹ J. Everard and J. C. Holt, *Jersey 1204: The Forging of an Island Community* (London, 2004), p. 29.

⁴² *LTC*, i, nos. 703, 723–24, on seneschal appointments in Poitou, Anjou and Maine to be held as inheritable offices. The *bailli* of Caen, Pierre du Thillay, was designated 'seneschal' in some charters: *HF*, xxiv, *Preuves*, nos 17, 40. See also J. W. Baldwin, 'Pierre du Thillay, Knight and Lord: The Landed Resources of the Lower Aristocracy in the Early Thirteenth Century', *Francia*, 30 (2003), pp. 9–41.

a sergeantry *sine culpa istius*, except that he had been ill and suffering from gout.⁴³ Richard Saracen, from Grandmesnil, complained that Jean des Vignes had taken into the king's hand half a sergeantry of Grandmesnil, because he had not sought it as his inheritance within a year and a day after the death of his father in 1239.⁴⁴ The sergeantry had been granted to Walter le Brun, whom Richard claimed held it 'as if in custody'. Walter himself complained in the *enquête* that Jean des Vignes had confiscated part of a sergeantry from him *c.* 1231, which contained around thirty parishes, which Walter stated was being held in just hereditary.⁴⁵

In these actions, Jean des Vignes and other *baillis* were attempting to impose a new political structure on Normandy, one in which certain levels of local officialdom were eradicated to ensure the smooth execution of power in the name of the Capetian king. It is not only high administrative offices in which these changes can be observed. Thomas Calabre, who had served the king in the forest of Bellême, complained in 1247 that the king had imposed a forester to administer the forest above his authority, depriving him of significant income which had previously been taken in his father's house.⁴⁶

Norman Landholding after 1204

Administratively, then, changes were imposed in Normandy to ensure the smooth transition to Capetian rule. Norman landholding practices also experienced substantial change after 1204. Many supporters of the English king abandoned their Norman property and went to England. Relatively few men continued to hold Anglo-Norman estates after 1204, and cross-Channel landholding in the thirteenth century was fraught with difficulties.⁴⁷ As a result, there was a significant transfer of Norman land to the hand of the French king in the early years of the thirteenth century.⁴⁸

⁴³ *QN*, no. 87: 'Johannes de Vineis, in primo anno bailliviae suae, privavit eum dicta serjanteria sine culpa istius, nisi in hoc quod infirmus erat et debilitates guta.'

⁴⁴ *QN*, no. 473. Cf. *ibid.*, no. 482 for the complaint of Walter le Brun.

⁴⁵ *Ibid.* no. 482. This complaint suggests the sergeant had control of thirty parishes, which was taken away with John's confiscation.

⁴⁶ *Ibid.*, no. 141.

⁴⁷ D. J. Power, 'The Treaty of Paris (1259) and the Aristocracy of England and Normandy', in Janet Burton, Frédérique Lachaud and Phillipp Schofield, eds, *TCE*, 13 (Woodbridge, 2011), pp. 141–57.

⁴⁸ M. Nortier, 'Un rôle des biens tombés en la main du roi en la baillie de Lisieux après la conquête de la Normandie par Philippe Auguste', *Annales de Normandie*, 45 (1995), pp. 55–68; O. Guyotjeannin, 'L'intégration des grandes acquisitions territoriales de la royauté capétienne (XIII^e–début XIV^e siècle)', in W. Maleczek, ed., *Fragen der politischen Integration im mittelalterlichen Europa* (Ostfildern, 2005), pp. 211–39, at 214. However, even before 1204, many landowners had already concentrated their interests on one side of the Channel: D. Crouch, 'Normans and Anglo-Normans: A Divided Aristocracy?', in D. Bates and A. Curry, eds, *England and Normandy in the Middle Ages* (London, 1994), pp. 51–67.

A number of reasons caused people to abandon their Norman lands. Richard Lanbert complained that he had been denied his inheritance because his ancestor, Simon, had left the duchy because of poverty.⁴⁹ However, the *Querimoniae* suggest that violence by Capetian officials rarely forced landowners from Normandy.⁵⁰ Complainants did refer to violence of Angevin officials who had seized land prior to 1204, and complaints made in southern France in 1247, many of which related to the seizure of land and property during the Albigensian Crusades, refer to the brutality of local officials there.⁵¹ Norman sources, in contrast, suggest that Philip Augustus was keen to make peace with those whose chief loyalty lay on the other side of the Channel in 1204 but who had decided to stay in the duchy. Most of those who wished to remain in Normandy were invited to show homage to the French king, although there were some exceptions; the former Angevin seneschal William le Cras, the count of Meulan and Roger de Tosny and his sons, were excluded.⁵² People who wished to leave the duchy were free to do so, and any who wished to leave for England were granted freedom of passage to return home, either by land or by sea.

The need for Philip to ensure loyalty from Normandy is evident from the speed at which he instructed that fiefs should be seized from tenants who did not perform homage to him or who remained in England. Philip ordered that those who wished to retain their Norman lands should pay homage before Easter 1205,⁵³ although the *Querimoniae* indicate that this was extended to Christmas.⁵⁴ After this date, the lands of those who had not shown him homage, or who were found to have left Normandy, were taken into the king's hand.⁵⁵

These seizures were the result of suspected Norman disloyalty to the new Capetian regime. Such fears were not entirely without foundation. Ralph of Coggeshall wrote of the resentment among Normans against Capetian rule,⁵⁶ and a letter from a burgess of Caen, c. 1227, asserted that Norman support for an English campaign against the French king could be bought with the promise of land in England being granted in return for any land which would be lost

⁴⁹ *QN*, no. 25.

⁵⁰ Cf. the situation in Brittany: P. H. Morice, *Memoires pour servir de preuves à l'histoire ecclésiastique et civile de Bretagne* (3 vols, Paris, 1742–6), i, p. 770, showing that Hasculf of Suligny left for England 'on account of the anger of the king of France'.

⁵¹ For instance, *QN*, no. 399, refers to seizure by the Angevin seneschal William le Cras.

⁵² *LTC*, i, no. 716.

⁵³ *Recueil des Actes de Philippe Auguste*, ed. H. F. Delaborde et al. (6 vols, Paris, 1916–2005) [hereafter *Actes*], ii, pp. 491–2; Petit-Dutaillis, 'Querimoniae Normannorum', p. 107.

⁵⁴ *QN*, no. 100: 'Dictus avunculus, qui de Anglia remeavit in vigilia Nativitatis beati Johannis Baptistae non ostendit se justitiae domini regis nisi post Natale post quod qui de Anglia venerunt terras suas amiserunt.'

⁵⁵ *Actes*, ii, no. 901; *Cartulaire Normand de Philippe Auguste, Louis VIII, Saint Louis et Philippe-le-Hardi*, ed. L. Delisle (Caen, 1852), no. 113.

⁵⁶ *Radulphi de Coggeshall Chronicon Anglicanum*, ed. J. Stevenson (London, 1875), p. 152.

in Normandy.⁵⁷ However, serious Norman hopes for an English reconquest of Normandy were rarely entertained by the 1230s, even though some Norman magnates pressed for an English invasion of the duchy while Henry III was in Brittany in 1230.⁵⁸

The *Querimoniae* show that the most prominent cause for the taking of land and property into the king's hand was the absence of tenants in England. Guillaume *le Senescal*, from Les Authieux-sur-Calonne, complained that he had been in the service of a certain lady, who had crossed to England with the licence of the king to secure her dower.⁵⁹ She had taken Guillaume with her, but because he had left Normandy, Guillaume's land was confiscated by the *bailli*, Jean des Vignes. Nicholas de Quillebeuf, from Pont-Audemer, complained that the king held his inheritance of a garden and a dwelling at Pont-Audemer, for which the king had received 15*s* in rent.⁶⁰ The *bailli*, Cadoc, had taken the land because Nicholas' father, a merchant, had gone to England to trade and had died there.

The speed at which land was seized by Capetian officials resulted in 'a great many examples of mistaken or malicious confiscations', since any absence from the duchy was regarded as a sign of disloyalty.⁶¹ Robin Forester, from Pierrefitte-sur-Touque, complained that a sergeantry which he ought to have inherited after his father's death had been taken into the king's hand by the viscount of Auge.⁶² The reason, Robin stated, was that he had remained in *Francia* when his father died. When he returned to Normandy in 1240, he had not been able to reclaim his inheritance. Barthélemy de la Fosse, from Hébertot, complained that Pierre du Thillay had confiscated five virgates of land from his father c. 1224.⁶³ This was taken along with his wife's dowry, which was being held in farm. In debating the legitimacy of the confiscation, Barthélemy stated that his wife had gone to England, but had died in Normandy after returning.⁶⁴

The justification of the seizure and retention of land on the grounds that the tenant or a relative was not in Normandy, or had not returned to the duchy in sufficient time to perform homage to the French king, required both a complex administrative machinery to investigate Norman landholding and good

⁵⁷ *Diplomatic Documents Preserved in the Public Record Office, 1101–1272*, ed. P. Chaplais (London, 1964), pp. 139–40. See also Marc Morris, *The Bigod Earls of Norfolk in the Thirteenth Century* (Woodbridge, 2005), p. 8.

⁵⁸ *Diplomatic Documents*, no. 215 shows that, in 1229, English hopes were limited to the recovery of Avranches and Coutances to serve as a corridor with lands in southern France. On general fears of Norman disloyalty see: Jouet, ... *et la Normandie devint Française*, p. 68.

⁵⁹ *QN*, no. 15.

⁶⁰ *Ibid.*, no. 70.

⁶¹ D. J. Power, 'Cross-Channel Communication and the End of the 'Anglo-Norman Realm': Robert fitzWalter and the Valognes Inheritance', *Tabularia 'Études'*, 11 (2011), pp. 1–33, at 2.

⁶² *QN*, no. 44.

⁶³ *Ibid.*, no. 48.

⁶⁴ '[...] in Angliam transmeavit, in qua tamen non decessit, cum post reversionem suam de Anglia mortuus fuerit in Normannia, sicut dicit.'

genealogical knowledge of Norman landowners by Capetian *baillis*.⁶⁵ This was relatively easy in the case of those who held of Anglo-Norman magnates who deserted the duchy with the defeat of King John. But the *Querimoniae* show that Capetian officials also routinely seized land from Normans of lower status on grounds of suspected disloyalty, promising inquiries without always delivering them.⁶⁶ Many of those who complained in 1247 believed that they had been unduly deprived of property or denied their rightful inheritance because the new Capetian *baillis* had been overzealous in exploiting absence from Normandy to expand the French royal domain.⁶⁷

The Loss of Inheritances

Local officials faced considerable difficulty in identifying which absences from Normandy indicated disloyalty to the Capetian king. Pierre Jumel complained that his inheritance was held by the king because his uncle, of whom he was the heir, was a cleric who had gone to England in order to take up a canonry at Bath.⁶⁸ Even though his uncle had never previously been out of the French king's peace, his absence in England was grounds for his land escheating to the French king. Raoul de Willerville complained that his mother's uncle was also a priest who held a benefice in England. He had died there in 1204, but Raoul, who had remained in Normandy, was the next heir to the land at Drumare which had been lost.⁶⁹ Thomas de Torville complained that a kinswoman of his had been taken to England by her husband and had died there, affecting his ability to inherit.⁷⁰ In a similar way, Richard de Toutainville complained that the king had seized land because his aunt's husband had taken her to England.⁷¹ Even though the complainants remained in Normandy, their ability to inherit was affected by the departure of their ancestors from the duchy.

In some cases, the failure of an heir to return to Normandy in order to pay homage for their share of an estate led to its forfeiture. Ferrand du Brucourt complained that his fiancée, Johanna Malesmains, daughter of the Anglo-Norman landholder Nicholas Malesmains, had been granted her father's Norman lands in dowry. Ferrand's father, Jean du Brucourt, had purchased the wardship after Nicholas' death, but Ferrand stated that Capetian officials had subsequently taken it into the king's hand. A division of the Norman estate had been made three years later, and half was kept in the king's hand as belonging to Johanna's

⁶⁵ Power, 'Cross-Channel Communication', p. 3.

⁶⁶ Horler-Underwood, 'The *Querimoniae Normannorum*', pp. 112–20.

⁶⁷ *The Royal Domain in the Bailliage of Rouen*, ed. Joseph R. Strayer (Princeton, 1936; repr. London, 1976), pp. 17–19.

⁶⁸ *QN*, no. 365.

⁶⁹ *Ibid.*, no. 41.

⁷⁰ *Ibid.*, no. 64.

⁷¹ *Ibid.*, no. 73.

sister, Roes, who had remained in England where she had been granted land by their father. Because Roes had not returned to Normandy to perform homage for her share of her father's Norman lands, she was declared not to have come to peace with the French king. Her share of what Ferrand asserted was Johanna's dowry was retained in the king's hand, and Johanna was not permitted to succeed to the whole of the Norman estate.⁷² The income generated from Roes' share of the Norman lands provided valuable revenue for the French king, which could explain the reluctance to return it to Ferrand.⁷³

Heirs of those who had died performing military service for the French king also complained that they had been denied their inheritance. Geoffrey de Reux complained that the king held 50*l* in annual rent which his father had held peacefully, since he had died *in terram Albigensium*.⁷⁴ Guillaume de Maris and his brothers, Gilbert, Robin and Pierre, complained that their father had accompanied Prince Louis to England in his military campaign of 1216–17, but had not returned with him, choosing instead to remain in England.⁷⁵ As a result, his property in Normandy had been seized by the Capetian *bailli*.⁷⁶ Any absence outside Normandy was considered suspect, even if the destination was not explicitly England. Richard de Glanville complained that land which should have come to him and his brother from their uncle had been taken into the king's hand, because their uncle had died *ultra mare*.⁷⁷ Robert de Mayaux complained that the king held land worth 10*s* in rent each year in the parish of Toutainville.⁷⁸ Robert's brother, who should have inherited the land after the death of their father, was believed to have died outside Normandy. Robert stated that this was, at least in part, untrue, 'for it was not certain where or if his brother had died'.⁷⁹

Using Land to Secure Loyalty

The *Querimoniae* indicate that the granting of land to royal supporters was a common method of ensuring continued backing from those who remained in the duchy. Eudes Chesnel, from the parish of La-Trinité-de-Falaise, complained that 10 acres of land in Saint-Philbert-sur-Orne fell into the hand of Engerran de Saint-Philbert because of the lack of an heir.⁸⁰ Engerran had subsequently been accused of disloyalty to the French king, and his land had been taken into the

⁷² Ibid., no. 54; Horler-Underwood, 'The *Querimoniae Normannorum*', pp. 174–8.

⁷³ *LTC*, v, no. 581.

⁷⁴ *QN*, no. 20.

⁷⁵ On this campaign, see Scott McGlynn, *Blood Cries Afar: The Forgotten Invasion of England, 1216* (Stroud, 2011).

⁷⁶ *QN*, no. 248.

⁷⁷ Ibid., no. 50.

⁷⁸ Ibid., no. 61.

⁷⁹ 'Praecipue cum de morte dicti fratris non sit certus usquequaque'.

⁸⁰ *QN*, no. 408. On his rebellion, see Power, 'Treaty of Paris', pp. 144–5.

king's hand. The land had then been granted to the castellan of Falaise, Simon le Cornu, who continued to hold it in 1247.⁸¹

A substantial amount of land which had been seized from the former Angevin seneschal of Normandy, William le Cras, was also granted to Simon le Cornu in exchange for his loyalty.⁸² Guillaume Vibort from Ifs complained that his father had held land in fee of William le Cras for 18*d* in annual rent and associated payments at Christmas and Easter, all of which had been granted to Simon le Cornu after its seizure.⁸³

Other castellans also benefited from the redistribution of seized land. In 1216, Philip Augustus granted part of the land formerly held by the lord William de Pontchardon to the castellan of Exmes.⁸⁴ Cadoc, as castellan of Gaillon, accrued a substantial portfolio of lands in return for his continued support for the French king.⁸⁵ Reliance on castellans for securing local power was not new under Capetian rule.⁸⁶ However, in Normandy after 1204, there was a substantial amount of land which, having been seized from tenants abandoning the duchy, could be granted in return for supporting the establishment and consolidation of French rule there. Such grants were made strategically to ensure that the Capetian hold of Normandy was strengthened as much as possible.

The subsequent reallocation of land seized from those who had abandoned Normandy or from those whose loyalty to the new Capetian regime was uncertain served as a political tool to consolidate French control over the area.⁸⁷ Such reallocation resulted in changes for tenants on the land. Five men from Saint-Jacques, who complained that they had been compelled to make a customary payment by *baillis* and royal farmers for everything bought and sold when they were at the Wednesday market at Montpinçon, stated that the land had previously been held by a knight who had gone to England with King John.⁸⁸ Only when the land had been granted by Philip Augustus to Guérin du Glapion in 1204 had this new payment been required, but they were still required to pay it in 1247.

However, the *Querimoniae* suggest that much of the land granted by Philip Augustus to his supporters subsequently returned to the royal domain. Joseph

⁸¹ *QN*, no. 439. He was certainly still alive in 1249, when he appears at an inquest carried out by Stephen de Porte, *bailli* of Rouen, into the holdings of the knight Philip de Buxon: *Cartulaire Normand*, ed. Delisle, no. 482.

⁸² On William le Cras, see N. Vincent, 'The Borough of Chipping Sodbury and the Fat Men of France', *Transactions of the Bristol and Gloucestershire Record Society*, 116 (1998), pp. 141–59.

⁸³ *QN*, no. 459. See also *QN*, nos 448, 449, 462.

⁸⁴ *Actes*, iv, no. 1431; *CN*, no. 246.

⁸⁵ *Actes*, ii, nos. 887, 902, and iv, nos 1441, 1509. The lands which Cadoc ceded to the French king upon his imprisonment indicate the extent of his landholding: *QN*, no. 305.

⁸⁶ See for instance R. Hajdu, 'Castles, castellans and the structure of politics in Poitou, 1152–1271', *JMH*, 4 (1978), pp. 27–53.

⁸⁷ Nortier, 'Un rôle des biens tombés en la main du roi'.

⁸⁸ *QN*, no. 355.

Strayer attributed this to 'the more virtuous times of Blanche and St Louis' when compared with the reign of Louis' grandfather, with land returning to the king from unsuitable grantees.⁸⁹ However, changing political circumstance also merits consideration. In 1204, it was necessary for Philip to grant land in Normandy to his supporters, in order to consolidate his position in a duchy from which he would frequently be absent, and over which his authority was uncertain. Under Louis IX, in contrast, the income which could be derived from administering land directly was of greater political benefit than having land in the hands of royal supporters. By 1226, French royal authority in Normandy was much more firmly established, and grants of land were no longer so important in assuring the loyalty of local officials. Thus, on the death of those who held it, land returned to the royal domain, and Louis was able to retain and administer it directly with little political detriment. It was for this reason that so many of the *Querimoniae Normannorum* regarded the retention of land in the king's hand in 1247 to have been unjustified or based on false assumptions of Norman disloyalty.

Military Changes

In addition to granting land seized from those who had left Normandy to his supporters, the appointment of men such as Cadoc to positions of local authority demonstrates that the French king recognized military might was required if Capetian authority was to be established in Normandy successfully. Between 1206 and 1210, all of Normandy's castles were inventoried, identifying 113 castles and fortresses held by the king.⁹⁰ Royal records indicate that Philip embarked swiftly on an ambitious fortification policy to secure the duchy against the threat of an English reconquest. The (unfounded) fear that John would reconquer the duchy in 1206 led to the refortification of many Norman fortresses. This process drew on Normandy's resources, and the *Querimoniae* show that stone and timber were taken from Normans' land or property to repair or reinforce existing military structures.⁹¹ In some cases, substantial renovation, repair or redesign was required.⁹² Jean de Tourguisville complained that a quarry built by men of the king occupied his garden by half a virgate.⁹³ Guillaume Bardouf complained similarly that a quarry made in order to repair the king's castle of Bonneville-sur-Touques had intruded onto his land by one virgate, for which he had then not received

⁸⁹ *Royal Domain*, ed. Strayer, p. 18.

⁹⁰ *HF*, xxiii, pp. 681–2; Baldwin, *Government of Philip Augustus*, p. 296.

⁹¹ *Annales de Saint-Aubin d'Angers*, in L. Halphen, ed., *Recueil d'Annales Angevines et Vendômoises* (Paris, 1903), p. 22 (1206), for which reference see D. J. Power, 'King John and the Norman Aristocracy', in S. D. Church, ed., *King John: New Interpretations* (Woodbridge, 1999), pp. 117–36, at 135.

⁹² A. Châtelain, 'Recherches sur les châteaux de Philippe Auguste', *Archéologie Médiévale*, 21 (1991), pp. 113–61.

⁹³ *QN*, no. 34.

201.⁹⁴ In both complaints, the quarries had been made so that work could be done to nearby fortresses.

One of the most visual aspects of the military consolidation of Capetian authority in Normandy was the physical change to Norman castles.⁹⁵ The most obvious of these architectural changes was the addition of large round towers, *tours Philippines*, which offered improved defensive capabilities but were unsuitable as accommodation.⁹⁶ The building of these towers was detrimental to Normans onto whose land they encroached, or whose estates were quarried for stone. Johanna la Porcelle complained because 'a certain garden of hers had been destroyed when King Philip had instructed a large tower to be made at the castle of Falaise' in 1207, for which she had received no compensation.⁹⁷ Agnes de Villy also complained that her land had been ruined by the construction of the tower at Falaise.⁹⁸ These towers not only helped to secure Normandy against possible English attack, but also served as a visual reminder to the Normans that, although the French king may have been absent from the duchy, his authority was not.

The events of 1204 meant that Norman men and resources could be used for military service for the French king after 1204. This was most apparent in the seizure of horses and carts during the Albigensian Crusade for use by the French king's forces.⁹⁹ Tecelin Brienz complained that in 1226, when Louis VIII had gone 'into the Albigensian land', the king had taken his cart with four horses at Mortagne.¹⁰⁰ Afterwards, Tecelin 'had received neither them, nor compensation, nor the stipend, nor a horse, nor a harness, nor a cart'. Guillaume Vetus and his brother Godfrey complained 'for themselves and for their brothers' that a servant of their father's had been at Arras with five horses and a cart. The king had ordered the horses be taken to Paris, 'so that their harnesses could be taken into the land of the Albigensians'.¹⁰¹ Nothing had been returned.

The *Querimoniae* suggest that seizures of Norman resources for use in the Albigensian Crusade were most prolific during the fight to secure Toulouse, which coincided with the highest level of Norman participation in the crusade, and with more sustained royal intervention.¹⁰² But it was not only during the Albigensian Crusades that Norman horses were taken for military use. In campaigns through which the Capetian monarchs attempted to establish their authority more firmly

⁹⁴ Ibid., no. 31.

⁹⁵ L. V. Hicks, 'Magnificent Entrances and Undignified Exits: Chronicling the Symbolism of Castle Space in Normandy', *JMH*, 35 (2009), pp. 52–69.

⁹⁶ M.-P. Baudry, 'Les châteaux des Plantagenêts et des Capétiens: Combats et imitations', in M. Aurell and N.-Y. Tonnerre, eds, *Plantagenêts et Capétiens: Confrontations et héritages* (Turnhout, 2006), pp. 319–58, at 319, 339.

⁹⁷ *QN*, no. 419.

⁹⁸ Ibid., no. 411.

⁹⁹ Ibid., no. 117.

¹⁰⁰ Ibid., no. 157.

¹⁰¹ Ibid., no. 17.

¹⁰² D. J. Power, 'Who went on the Albigensian Crusade?', *EHR*, 128 (2013), pp. 1047–85, at 1059–60.

in Poitou, Norman resources were also used.¹⁰³ The knight Gervase de Préaux complained that he had been in the king's service in Poitou when he had 'lost a certain cart loaded with arms and other items needed for war'. He also claimed to have lost a rouncey nag, which along with the cart and armaments had cost him 100*l*.¹⁰⁴ The relative peace which the duchy enjoyed after 1204 was thus frequently interrupted as the Capetians attempted to secure their authority in Normandy and on Normandy's borderlands. The use of Norman resources in such campaigns demonstrates how effectively and how quickly the duchy had come under Capetian royal administration.

Economic Changes

The conquest of Normandy was a significant economic victory for the French king.¹⁰⁵ The duchy contributed almost as much as all other northern French *bailliages* combined in both 1238 and 1248.¹⁰⁶ The paucity of surviving thirteenth-century Norman fiscal records makes it difficult to determine precisely how much Normandy contributed to the royal domain after 1204, and historians have tended to focus on the state of the French economy immediately prior to Louis' crusades.¹⁰⁷ Nonetheless, the total sum provided by Normandy annually reached between 120,000*l*p and 135,000*l*p.¹⁰⁸ The *Querimoniae Normannorum*

¹⁰³ John Gillingham, 'Problems of Integration within the Lands Ruled by the Norman and Angevin Kings of England', in Maleczek, ed., *Fragen der politischen Integration*, pp. 85–134, at 87; Nicholas Vincent, 'Isabella of Angoulême: John's Jezebel', in Church, ed., *King John: New Interpretations*, pp. 165–219, at 167.

¹⁰⁴ *QN*, no. 206.

¹⁰⁵ N. Barratt, 'The Revenues of John and Philip Augustus Revisited', in Church, ed., *King John: New Interpretations*, esp. pp. 88–99; E. M. Hallam and J. Everard, *Capetian France, 987–1328*, 2nd edn (Harlow, 2001), p. 240.

¹⁰⁶ M. Arnoux, 'L'Événement et la conjoncture hypothèses sur les conditions économiques de la conquête de 1204', in Héricher and Gazeau, eds, *1204: La Normandie entre Plantagenêts et Capétiens*, pp. 227–38; Michel Nortier and John W. Baldwin, 'Contributions à l'étude des finances de Philippe Auguste', *Bibliothèque de l'École des Chartes*, 138/1 (1980), pp. 5–33 at 28. Robert Bartlett, 'Patterns of Unity and Diversity in Medieval Europe', in B. P. McGuire, ed., *The Birth of Identities: Denmark and Europe in the Middle Ages* (Copenhagen, 1996), pp. 29–45, at 35, 44, indicated that the increase in royal income went from 198,000*l*p in 1202 to 605,000*l*p in 1286, 'far outweighing any discount one must make for inflation'.

¹⁰⁷ William Chester Jordan, 'Cutting the Budget: The Impact of the Crusades on Appropriations for Public Works in France', *Revue Belge de Philologie et d'Histoire*, 76 (1998), pp. 307–18.

¹⁰⁸ On the ordinary revenue contributed by Normandy at various stages in the thirteenth century, see the summary by Joseph R. Strayer, 'Normandy and Languedoc', *Speculum*, 44 (1969), pp. 1–12, at 2. A more recent survey is provided in E. Lalou, 'Les finances et le rôle de l'État dans l'économie de la Normandie Royale', in M. Arnoux and A.-M. Flambard Héricher, eds, *La Normandie dans l'économie européenne (XII–XVIIe siècle)* (Caen, 2010), pp. 9–17; Power, 'Angevin Normandy', pp. 68–70. The figure of 134,000*l*p at the end of the thirteenth century is provided by B. de Serres, *Recherches sur divers services publics du XIIIe au XVIIe siècle* (3 vols, Paris, 1895–1909), ii, app. A, table VI, and cf. table V for the accounting of French *bailliages* in this period.

show some of the ways in which this revenue was generated. The main conduits exploited by Capetian officials were the introduction of new customs and new taxes, and increases to land rents. Although some historians have suggested that these new taxes did not arouse great resentment, the *Querimoniae* indicate that newly required payments could prove burdensome for those living within Normandy.¹⁰⁹ As the thirteenth century progressed, greater exactions were required from the duchy and its residents to service the growing needs of the French monarchy and the expanding central governmental administration.¹¹⁰ As political power was consolidated, the Norman economy changed from being based primarily on military defence to providing regular revenue for the French Crown. Many of its aspects were affected in the process.

The *Querimoniae* show that the imposition of taxation where it had not been paid previously generated substantial income well before Louis' crusade made this a financial necessity. The most invasive form of taxation was *fouage*, usually charged at the rate of 12d per hearth, and taken so 'that the specie of money current in Normandy should not be changed'.¹¹¹ A memorandum drawn up shortly after 1204 shows how the tax was to be collected, and indicates the theoretical retention of exemptions from the tax which had been enjoyed under Angevin rule.¹¹² However, the *Querimoniae* indicate that *fouage* was extended under Capetian rule. The knight Richard Monk from Saint-André-de-Briouze complained for all men of the seventy-two parishes in the lordship of Le Houlme, that *fouage* had been taken from men which had not been paid before the conquest of Normandy, since they had been exempted from paying the tax.¹¹³

Markets, fairs, forests, fishpools and ovens were also all exploited by Capetian *baillis* in pursuit of financial gain.¹¹⁴ The twelfth and thirteenth centuries witnessed the foundation of a number of new markets and fairs, some of which were associated with monastic houses which derived substantial revenue from them.¹¹⁵ The

¹⁰⁹ J. Bradbury, *Philip Augustus: King of France, 1180–1223* (London, 1998), p. 223.

¹¹⁰ F. Neveux, 'Normandie et Bretagne: Le destin divergent des deux principautés (XIème–XVème siècle)', in B. Merdrignac and J. Quaghebeur, eds, *Bretons et Normands au Moyen Âge: Rivalités, malentendus, convergences* (Rennes, 2008), pp. 337–75, at 355.

¹¹¹ *La Summa de Legibus Normannie in Curia Laicali*, ed. E.-J. Tardif, in *Coutumiers de Normandie: Textes Critiques* (2 vols, Rouen, 1881–96), ii (Latin text), and trans. J. A. Everard, *Le Grand Coutumier de Normandie: The Laws and Customs by which the Duchy of Normandy is Ruled* (St Helier, 2009), ch. 15.

¹¹² *Les registres de Philippe Auguste*, vol. 1: *Texte*, ed. J. W. Baldwin (Paris, 1992), pp. 556–7, no. 9; T. N. Bisson, *Conservation of Coinage: Monetary Exploitation and its Restraint in France, Catalonia, and Aragon (c. AD 1000–c. 1225)* (Oxford, 1979), p. 15. On the exemptions, see Power, *Norman Frontier*, pp. 34–40. See also T. N. Bisson, *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton, 2009), p. 546. Evidence from Falaise shows the exemption of the fiefs of Breteuil: L. Musset, 'Recherches sur les communautés de clercs séculiers en Normandie au XI^e siècle', *Bulletin de la Société des Antiquaires de Normandie*, 55 (1961 for 1959–60), pp. 5–38.

¹¹³ *QN*, no. 480.

¹¹⁴ Horler-Underwood, 'Querimoniae Normannorum', pp. 213–15 (ovens), 215–17 (fishpools).

¹¹⁵ R. H. Hilton, *English and French Towns in Feudal Society: A Comparative Study* (Cambridge,

priest and lepers of Bernay complained that market days which they had under King John were lost in 1204, and they now sought their restoration.¹¹⁶ The prior of Mauves complained that the *prévôts* of Bellême had taken a payment from men of his priory when they bought or sold goods at the market near Bellême, which they had not previously been required to pay.¹¹⁷ Five men from Saint-Jacques complained that they had been compelled by *baillis* and royal farmers to make a customary payment for everything bought and sold when they were at the Wednesday market of Montpinçon.¹¹⁸ The complainants stated that they had been forced to make this payment only after the land came to the French king, and that they were still being forced to make it in 1247.

Complaints about market-tolls in the *Querimoniae* indicate the extension of Capetian lordship into Normandy, and show how control over trade was used to assert political, as well as financial, control. This control spread to the wider Norman economy. A certain Menart complained that he had been required to pay a customary payment in the market of Mortagne, even though it had been recognized by Count Thomas of Perche (d. 1217) that he was not required to make this payment.¹¹⁹ The prior of Nogent-le-Rotrou in the diocese of Chartres complained that the *bailli* Berruyer de Borron had imposed a tax on men holding manses in his two estates at Manves. Subsequent *baillis* of Verneuil had continued to demand this payment. The men had been forced to pay at least 100s, even though they were meant to have been immune from these taxes 'through a gift of the count of Perche'.¹²⁰ The prior of the *leprosarium* at Manves also complained that men had been freed from taxes 'and other troublesome customs', as a gift of Count Geoffrey of Perche (d. 1203), and that the later imposition of such taxes had for twenty years deprived the lepers of alms that would otherwise have come to them.¹²¹

The *Querimoniae* show that freedoms granted under the counts of Perche were changed as part of a deliberate effort by the Capetian monarchy to assert authority in the region following the death of the last count of Perche, without an heir, in 1226.¹²² In this area, 'surrounded by the lands of a newly powerful and confident king of France' following the conquests of Philip Augustus at the beginning of the thirteenth century, local society was controlled through the imposition of new financial customs.¹²³ What is interesting in the *Querimoniae*

1992), p. 6, suggests that towns were reliant on the trade provided by markets, since they did not produce their own means of subsistence.

¹¹⁶ *QN*, no. 316.

¹¹⁷ *Ibid.*, no. 160.

¹¹⁸ *Ibid.*, no. 355.

¹¹⁹ *Ibid.*, no. 207.

¹²⁰ *Ibid.*, no. 239.

¹²¹ *Ibid.*, no. 225.

¹²² *Ibid.*, no. 239.

¹²³ K. Thompson, *Power and Border Lordship in Medieval France: The County of the Perche, 1000–1226* (Woodbridge, 2002), p. 154.

is that freedoms granted to Normans by the counts of Perche were changed or revoked as a conscious effort to assert French royal authority both in Perche, after the region came under direct Capetian rule in 1226, and in Normandy. That complaints relating to grants from Perche formed part of the Norman *enquête* shows the fluidity of the south-eastern Norman border after 1226, and that the exercise of Capetian political authority on Normandy's borders was felt to be an issue for Norman complaint.

A monarch as pious as Louis IX recognized the oppressive burden imposed on his subjects by taxation. In exhortations to his son, Louis instructed Philip that he should 'not oppress [his people] with tolls and taxes, except to meet an urgent need'.¹²⁴ Indeed, Joseph Strayer has written that 'there are no signs that Louis IX tried to get more than his strict due as feudal lord of Normandy'.¹²⁵ However, the *Querimoniae Normannorum* suggest a more nuanced interpretation. The economic changes which Normandy experienced under Capetian rule, particularly concerning taxation, indicate that as political control over the duchy became more firmly established, its economic resources could be directed more easily to the political needs of the French monarchy.

Conclusion

The reliance on local officials to exercise the royal authority of the Capetian monarchy in Normandy after 1204 was a necessity. In his absence from the duchy, the king needed his influence to be apparent, and the *Querimoniae Normannorum* show that the lives of some Normans were adversely affected by the way in which French local officials exercised authority in the name of the Capetian kings. Many Normans vented their frustrations in front of Louis' *enquêteurs*. Historians have been divided over whether most *baillis* in thirteenth-century Normandy acted in the best interests of the duchy, against whom 'the only reproach [...] is undue zeal for the monarchy',¹²⁶ or whether *baillis* and other local officials were 'often so unrestrained in their deeds that it is difficult to find any semblance of justice in their acts'.¹²⁷ The *Querimoniae* reveal a mixed picture, but demonstrate clearly that the actions of *baillis* and other local officials, good and bad, were essential for establishing Norman loyalty to the new Capetian regime.

It is hard to determine the extent to which the apparent corruption uncovered by the 1247 *enquête* resulted from the absence of direct royal authority in Normandy. Although the *Querimoniae* suggest there was significant disaffection among Normans towards Capetian officials, many *baillis* appear to have acted in the best interests of the Capetian king. Some certainly exploited aspects of Norman custom or the confused political situation after 1204 to enrich themselves and the

¹²⁴ Joinville, *The Life of Saint Louis*, ch. 145.

¹²⁵ Strayer, *Administration of Normandy*, p. 92.

¹²⁶ Petit-Dutaillis, *Feudal Monarchy*, p. 296.

¹²⁷ Wyse, 'The *enquêteurs* of Louis IX'.

royal domain at the expense of those Normans living under their authority.¹²⁸ But the success of establishing French rule in Normandy relied upon the unwavering support of trusted officials and local magnates who exercised authority at a local level. In order to secure the conquest of Normandy, the conduct of some ran against established Norman practice. It is noteworthy that the grievances recorded in the *Querimoniae Normannorum* were often very personal, reflecting the infringement of individual liberties and rights rather than indicating widespread and deliberate malpractice by Capetian officials, even though, as the case of Cadoc shows, not all officials were above reproach.

The *Querimoniae Normannorum* suggest that specific actions aroused specific resentment from the Normans, and this resentment was expressed in 1247 only because the Normans were given the opportunity by Louis IX to do so. Daniel Power has noted that 'the Normans preferred to smooth the transition from Plantagenet to Capetian rule' after 1204, rather than openly resisting the French king, and the *Querimoniae* indicate that this reluctance openly to oppose Capetian rule continued throughout the first half of the thirteenth century, over which time French authority in the duchy was increasingly consolidated.¹²⁹ In part, this was because many of those who were overtly hostile towards the Capetian king had abandoned their Norman lands at the beginning of the thirteenth century. However, this did not mean that the Capetian kings considered their hold over Normandy to be secure. Louis IX took measures to reverse some of the more unjust confiscations undertaken by his grandfather, perhaps in the hope of avoiding Norman revolt. But, as has been shown, retaining land in his hand allowed him to derive substantial economic benefit from the duchy, and there was a fine balance to be struck between placating the Normans and using their land for political and economic gain.¹³⁰

Normandy in the thirteenth century was thus 'a province which might resent its *baillis* but which tolerated its new Capetian ruler'.¹³¹ The *Querimoniae Normannorum* indicate that this applies just as much to the mid-thirteenth century as to the period immediately after the French conquest. Norman loyalty to the new regime could be questioned, but the impact of Capetian rule in the duchy could not. The Norman complaints show that, while direct royal rule may have been lacking, the exercise of royal authority by local officials was highly effective in establishing French royal authority in Normandy, even though this was to the personal detriment of those living there.

¹²⁸ Strayer, *Administration of Normandy*, pp. 97–8.

¹²⁹ Power, 'King John and the Norman Aristocracy', p. 134.

¹³⁰ See *Chronica Majora*, iv, p. 204, for Louis' fears over Norman loyalty. See also *ibid.*, iv, p. 646, and v, pp. 280–1, on Louis' conscience being harmed by his holding of Normandy.

¹³¹ Power, 'King John and the Norman Aristocracy', p. 135.

Representation and Authority in Thirteenth-Century England and Gascony¹

FRÉDÉRIQUE LACHAUD

In recent years, historians of medieval administration have become increasingly interested in hierarchies of power and the delegation of power. A number of significant studies have focused on the administrative organization of the Church, covering such topics as papal legates and judges delegated by the papacy, or the conflicts provoked by the emergence of a new figure in the bishop's administration, the official.² Analysis of the enhanced distinction between the power of order and the power of jurisdiction has also led to new approaches to the study of medieval ecclesiology.³ Equally, accountability has been the subject of growing interest, whether in the monastic world or more recently in the context of clerical administration.⁴ To some extent, this rich historiography reflects the existence of contemporary debates which led to a more precise vision of the internal structure of the Church, whether it concerned papal authority, or the respective areas of action of the bishop and the other dignitaries of the cathedral church – as

¹ Earlier versions of this paper were given at the Davis Centre at the University of Princeton on 30 March 2012 and at the Huntingdon Conference on 'The Practice of Rulership, c. 850–c. 1250', 17–18 May 2013. I wish to thank in particular Professor William Chester Jordan for his comments and suggestions.

² J. E. Sayers, *Papal Judges Delegate in the Province of Canterbury, 1198–1254: A Study in Ecclesiastical Jurisdiction and Administration* (Oxford, 1971); K. Pennington, *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries* (Philadelphia, 1984); *The Bishop Reformed: Studies of Episcopal Power and Culture in the Central Middle Ages*, ed. J. S. Ott and A. Trumbore Jones (London, 2007); *Offices et papauté (XIVe–XVIIe siècle): Charges, hommes, destins*, ed. A. Jamme and O. Poncet (Rome 2005); *Offices, écrit et papauté (XIIIe–XVIIe siècle)*, ed. A. Jamme and O. Poncet (Rome, 2007). Studies by Pascal Montaubin and Julien Théry have also led to reconsiderations of the construct of papal power in the late twelfth and thirteenth centuries.

³ The first mention of a formal distinction between order and jurisdiction is found in the *Summa Lipsiensis*, which was compiled in Oxford or Paris c. 1186: L. Villemin, *Pouvoir d'ordre et pouvoir de juridiction: Histoire théologique de leur distinction* (Paris, 2003), p. 75; J. Muldoon, 'Auctoritas, potestas and World Order', in R. C. Figueira, ed., *Plenitude of Power: The Doctrines and Exercise of Authority in the Middle Ages: Essays in Memory of Robert Louis Benson* (Aldershot, 2006), pp. 125–39.

⁴ R. F. Berkhofer, *Day of Reckoning: Power and Accountability in Medieval France* (Philadelphia, 2004); John Sabapathy, *Offices and Accountability in Medieval England, 1170–1300* (Oxford, 2014).

illustrated by the conflict between Bishop Grosseteste and the chapter of Lincoln Cathedral between 1239 and 1245.⁵

When it comes to the exercise of temporal power, however, complex theoretical arguments appeared later than in the Church. In the later Middle Ages and early modern period, civilian lawyers put into place a hierarchical conception of authority and power in the temporal field, based on the concept of *imperium*. In France, the most complex expression of this is found in the work of Jean Bodin (1530–96). As David Johnston has shown, in the treatise *Methodus ad facilem historiarum cognitionem* (1566), Bodin divided the authority of a magistrate into two parts: one was attributed to the magistrate by law, while he received the other by virtue of his office, a distinction Bodin borrowed from the Roman jurist Papinian. Bodin's aim was to limit the degree of *merum imperium* which any magistrate could claim to hold.⁶ In the *Six livres de la république* published ten years later, the agenda was different. In a conceptual framework that borrowed heavily from civil law, Bodin now aimed at defining the nature of sovereignty (which he identified with the concept of *maiestas*): this he did by determining which powers the sovereign could concede without any loss to himself.

This was the ultimate development in a slow process. If we turn to twelfth- and thirteenth-century England and France, questions such as the hierarchy of administrators, the extent of their responsibility, the exercise of authority, or the terms of delegation of power, although a subject of political concern, did not lead to fully fledged theoretical discussions.⁷ Contemporaries were aware of the political problems raised by officials abusing their power, as is suggested by the political programmes put forward in France after the return of Louis IX from Crusade and in England during periods of political tensions such as in 1215, 1244, 1258 and 1259. There was also interest in introducing means of controlling

⁵ See Letter 127 of Robert Grosseteste (Robert Grosseteste, *Epistolae*, ed. Henry Richards Luard, RS 25 (London, 1861), pp. 357–431), and the response of the cathedral chapter edited by F. A. C. Mantello, 'Bishop Robert Grosseteste and his Cathedral Chapter: An Edition of the Chapter's Objections to Episcopal Visitation', *Mediaeval Studies*, 47 (1985), pp. 367–78. See F. Lachaud, *L'éthique du pouvoir au Moyen Âge: L'office dans la culture politique (Angleterre, vers 1150–vers 1330)* (Paris, 2010), pp. 512–19 for a commentary on Grosseteste's letter. See also the letter sent by Innocent III to the bishop of Ely in December 1204, which comes close to being a treatise on delegation of power within the Church: *Selected Letters of Pope Innocent III Concerning England (1198–1216)*, ed. C. R. Cheney and W. H. Semple (London, 1953), no. 22, pp. 69–78.

⁶ D. Johnston, 'The General Influence of Roman Institutions of State and Public Law', in D. L. Carey Miller and R. Zimmermann, eds, *The Civilian Tradition and Scots Law: Aberdeen Quincentenary Essays* (Berlin, 1998), pp. 87–101, esp. 99–100.

⁷ This contrasts, for instance, with the importance of the question of delegation of power in Muslim political and legal literature, for instance in the *Ordinances of Government* of al-Mâwardî (d. 1058), which dedicates lengthy passages to the question of delegation of power to ministers: al-Mawardî, *The Ordinances of Government: A Translation of Al-Ahkām al-Sultāniyya w' al-Wilāyāt al-Dīniyya*, trans. W. H. Wahba (Reading, 1996), esp. section II, 'On ministerial appointment'.

the action of officers, whether those of the king or of the magnates, but this did not develop into a theoretical reflection on the hierarchy and delegation of power.

In fact, authors who were interested in these issues mainly stressed the moral responsibility of the prince, occasionally commenting on passages from Exodus 18 and Deuteronomy 17 which deal with ministers. In particular, moralists and preachers reminded the prince that he was responsible for the actions of his servants and officers. This was, for instance, the case in a letter addressed in 1184 by Peter of Blois to Henry II of England about the corruption of royal officers.⁸ The letter denounced the oppression of the subjects by the king's men, whom Peter compared with locusts – borrowing from John of Salisbury's *Policraticus* (c. 1159). The prince was to enquire into abuses perpetrated in his name so that he could correct them: if he did not do so, God would ask him to render account for the actions of his officers. Peter of Blois also reminded Henry that the errors of the people often return to haunt the prince, a statement he illustrated with quotations from Numbers 25:1–8 and 1 Samuel 4:17–18.⁹ Another example comes from the *Summa confessorum* of Thomas of Chobham (c. 1216): an *exemplum* shows a priest scolding a dying prince for his actions, saying that many innocent men have been condemned unjustly because of him, that he has taken away the goods of widows and orphans, and perverted justice. Upon the prince's protesting that his ministers, and not he, are responsible for this, the priest replies that he has sinned by committing his power to bad men. The prince then summons his ministers, who confess all the evil deeds they have been able to perpetrate thanks to the power granted to them.¹⁰ Similar stories are frequently found in literary texts, and they hint at the fact that the power of administrators, and in particular the authority they could use to enforce their duties and legitimate their actions, were considered from a moral point of view.

In her *Communities and Kingdoms*, Susan Reynolds suggests that the consensus on authority in the temporal world was sufficiently clear as to make debates about locating authority unnecessary, even 'repugnant'. Instead, there were 'layers of authority', with loyalties being 'attracted to each layer accordingly'.¹¹ That a degree of consensus held communities together is certainly true; it is also true that it is difficult to speak of administrative power in terms of a strict hierarchical organization. Responsibilities, titles and prerogatives often overlapped. This does not mean, however, that there was no awareness of the necessity to locate authority somewhere. In England, for instance, this laid behind the *Quo*

⁸ Peter of Blois, Letter 95, *Ad H. Anglorum regem*, PL 207, cols 297–302.

⁹ PL 207, col. 301: 'Haec vos, justissime princeps, oportet diligenter inquirere, et inquisita corrigere, ne minorum excessus de vestris manibus a Domino requirantur. Frequenter enim culpa populi redundat in principem, quasi de majorum negligentia obveniant errata minorum.'

¹⁰ Thomas of Chobham, *Summa confessorum*, IV, XIa, *De iudiciis*, ed. F. Broomfield (Leuven, 1968), p. 307.

¹¹ Susan Reynolds, *Kingdoms and Communities in Western Europe, 900–1300*, 2nd edn (Oxford, 1997), pp. 326–7, 329 and 331.

Warranto proceedings; from the middle decades of the thirteenth century the need to define delegated power acquired some urgency, as the prerogatives of the king himself increasingly came under attack.

Otto of Brunswick in Poitou

We may attempt to illustrate this with the example of the delegation of power of the English king as duke of Aquitaine. In 1196, Richard I made his nephew Otto of Brunswick¹² – who had been brought up at the English court – count of Poitou: between 1196 and 1198 several acts have Otto bearing the title *comes Pictavie*.¹³ Historians have wondered what Richard really intended.¹⁴ Joseph Huffman suggests that Richard may have wished to elevate his nephew in order to use him as a powerful ally against Philip Augustus.¹⁵ The concession of Poitou may also have been intended to compensate Otto for the loss of the county of Yorkshire, which had been given to him before the opposition of some of the king's vassals in that shire led to the withdrawal of the grant.¹⁶ Another possibility is that Otto was thought of by Richard, and perhaps by Eleanor as well, as a potential successor to Richard in Aquitaine.¹⁷

An apanage may have been created for Otto from several 'seigneuries', and a number of charters are proof of the fact that Otto exercised some kind of power, although he sometimes delegated it to the two seneschals of Poitou and Aquitaine, and frequently referred to Richard for important decisions. Otto was elected king of the Romans in June 1198, and when his brothers came to see John in 1200 in order to claim Poitou for him – and apparently the county of York as well – they were turned away with the excuse that John had promised Philip Augustus not to give any help to Otto.¹⁸ The agreement between John and his mother in

¹² Ralph of Coggeshall, *Chronicon Anglicanum*, ed. J. Stevenson, RS 66 (London, 1875), p. 70: 'Rex Ricardus dedit Othoni nepoti suo, filio ducis Saxoniae, comitatum Aquitaniae.'

¹³ J. P. Huffman, 'Richard the Lionheart and Otto IV: Itinerant Kingship and the City of Cologne', in Huffman, *The Social Politics of Medieval Diplomacy: Anglo-German Relations (1066–1307)* (Ann Arbor, MI, 2000), pp. 133–177, at 158. See A. Richard, *Histoire des comtes de Poitou 778–1204* (2 vols, Paris, 1903), ii, pp. 299–315, for an analysis of Otto's acts as count of Poitou.

¹⁴ Turner and Heiser, *Richard Lionheart*, p. 203.

¹⁵ Huffman, 'Richard the Lionheart and Otto IV', p. 133.

¹⁶ *Ibid.*, p. 157. Some historians argue that both territories may have been conceded to him. Also J. T. Appleby, *England without Richard, 1189–1199* (London, 1965), pp. 185–6, for the negotiations with the king of Scots about the marriage of Otto.

¹⁷ Huffman, 'Richard the Lionheart and Otto IV', pp. 157–8: 'The fact that Richard had been the count of Poitou before becoming king shows the affection that he had for his nephew: he had appointed Otto as his successor in Poitou, a move that positioned the Welf as the future duke of Aquitaine.'

¹⁸ *Chronica magistri Rogeri de Houedene*, ed. W. Stubbs, RS 51 (4 vols, London, 1868–71), iv, p. 116: 'Eodem anno Otho rex Alemannorum, electus Romanorum imperator, misit Henricum ducem Saxoniae et Willelmum Wintoniensem, fratres suos, ad Johannem regem Angliae avunculum suum, petens ab eo comitatum Eboraci, et comitatum Pictavis, quos

the course of 1199 was also invoked by John to turn down Otto's demands.¹⁹

There is some disagreement about whether Otto was ever invested formally with the title of count of Poitou;²⁰ after his nephew's departure for Germany, Richard seems to have resumed his full powers with a single authoritative act.²¹ The implication was that Otto only held a kind of usufruct in Poitou. Another source suggests that Otto may have sold Poitou back to Richard.²² On his deathbed Richard left part of his treasure and his jewels to his nephew, but in spite of repeated demands backed by the pope it seems that Otto was never able to recover any of this.²³ Payments were made by John to Otto in the first year of his reign,²⁴ however, and from 1202, when the English king attempted to reconstruct diplomatic networks in the Rhine area, regular payments of sums of money to Otto appear in the English accounts. John's policy was consolidated by a formal alliance on 8 September 1202.²⁵

In the context of a reflection on the delegation of power, the terms of Otto's delegation in Poitou are significant: in a letter sent in 1206 by John to the senechal of Poitou, Savaric de Mauléon, concerning the church of Charron, the king confirmed a grant made by Otto 'dum haberet ballivam Pictaviae'.²⁶ This has been interpreted as a sign that at this date John was reluctant to concede that Otto may have ever held the title of count of Poitou, and that he was quite prepared to lower

Ricardus rex Angliae ei dederat, et duas partes totius thesauri Ricardi regis Angliae, et omnia exenia sua, quae idem rex Angliae ei diuisit. Sed Johannes rex Angliae nihil horum quae petebat facere volebat, propter iusjurandum quod iurauerat regi Franciae, videlicet, quod nullum auxilium faceret ipsi Othoni contra ducem Swaviae.' (mentioned in Richard, *Histoire des comtes de Poitou*, ii, p. 382)

¹⁹ J. C. Holt, 'Aliénor d'Aquitaine, Jean sans Terre et la succession de 1199', *Cahiers de Civilisation Médiévale*, 29 (1986), pp. 95–100, at 98.

²⁰ Turner and Heiser, *Richard Lionheart*, pp. 203–4; but Huffman, 'Richard the Lionheart and Otto IV', p. 157, refers to the dubbing and enfeoffment of Otto in September 1196, following the *Histoire des ducs de Normandie*: 'Li rois Richars fist à force Castel-Gaillart et desous le castiel de l'Isle, et fist Othon son neveu chevalier et conte de Poitiers': *Histoire des ducs de Normandie et des rois d'Angleterre*, ed. Francisque-Michel (Paris, 1840), p. 89.

²¹ Richard, *Histoire des comtes de Poitou*, ii, p. 315.

²² Huffman, 'Richard the Lionheart and Otto IV', p. 168, referring to the *Gesta episcoporum Halberstadensium* (L. Weiland, *MGH SS*, 23 (1874), pp. 78–123, at 113: 'Ipse autem avunculo suo, Anglicorum regi, pro pecunia comicia sua data, electoribus suis quod sitiverant erogavit.')

²³ Huffman, 'Richard the Lionheart and Otto IV', p. 170; also S. Painter, *The Reign of King John* (Baltimore, 1966), p. 153, on the demands made by the pope on John.

²⁴ Huffman, 'Richard the Lionheart and Otto IV', p. 154.

²⁵ *Ibid.*, pp. 185–6.

²⁶ *Foedera*, I, ii, p. 45: 'Rex Sahero de Malo-Leone, salutem. Mandamus vobis, quod habere faciatis Abbati et Monachis Ecclesiae Sanctae Mariae de Chaurrun, quinquaginta libratas redditus de Pictavia, quas dilectus nepos noster Dominus Otho, dum haberet ballivam Pictaviae, eis dedit in Rupella et in Olerone, nisi eas alibi dederimus, si hoc commode fieri possit. et, si eas alibi dederimus, et eis alibi commodius ad opus nostrum assignari possit; tunc illas ei alibi assignari faciatis, quousque in partes illas venerimus. Teste, Domino Johanne de Gray, Cant. Electo, et Domino P. Winton. Episcopo. Apud Lamb. Vicesimo quinto die Martis.'

the former position of Otto in Aquitaine, referring to it as a simple *balliva*:²⁷ the term *balliva* was never used to refer to a lordship, but exclusively to the authority or jurisdiction of an official.²⁸ This letter, however, is a single occurrence and too much may be made of it. It is also difficult to make sense of it in the context of the improvement in the relationship between John and Otto. Yet in the light of John's difficulties in France, the rights of potential rivals were probably a sensitive issue. It is in any case possible that the title given by Richard to Otto only expressed a kind of subsidiary position, since Richard still styled himself duke of Aquitaine.²⁹ A similar issue appeared in 1225–7 with Richard of Cornwall being titled count of Poitou from August 1225, with unclear rights in Gascony.

Simon de Montfort in Gascony, 1248–52

The definition of the delegation of Simon de Montfort in Gascony between 1248 and 1252 has also led to some discussion by historians, but in this case the documentation allows us more precisely to see the kind of arguments that were used at the time.³⁰ The situation in the duchy required drastic action, and the earl of Leicester's experience as well as his connections in France made him the right man to deal with it.³¹ In May 1248, bowing to the pressure of Henry III and Eleanor of Provence, Simon de Montfort agreed to go to Gascony, but on terms that gave him complete freedom to do whatever he deemed necessary. The agreement is expressed in letters patent which are preserved in volume 1188 of the collection Clairambault in the Bibliothèque Nationale de France³² – dedicated to the Montfort family – but not enrolled on the patent rolls.³³ This is a

²⁷ Holt, 'Aliénor d'Aquitaine, Jean sans Terre et la succession de 1199', p. 98.

²⁸ R. E. Latham, *Dictionary of Medieval Latin from British Sources*, fasc. I, A–B (London, 1975), p. 175 s.v. *balliva*, -ia 1.

²⁹ There was a permanent *sénéchal* in Gascony from the late twelfth century. He was chosen by the king and nominated by him, and his functions were delimited rather narrowly: J.-P. Trabut-Cussac, *L'administration anglaise en Gascogne sous Henri III et Édouard Ier de 1254 à 1307* (Geneva, 1972), pp. 141–5. As for lieutenants, they were nominated 'quamdiu regi placuerit' and their powers were much more extensive than those of the *sénéchaux* (ibid., pp. 218–19). Already in the reign of Henry II there were two kinds of deputies for the lands under Plantagenet domination. As Judith Everard has shown, while the Justiciar of England and the seneschal of Normandy were acting as alter egos of the king, with general and discretionary powers, in Brittany and Ireland, on the other hand, the king's deputies were first chosen from among his *familiares*. After the rebellion of 1173 Henry II modified his policy in the lands acquired by conquest and nominated local magnates to represent him: J. Everard, 'The "Justiciars" in Brittany and Ireland under Henry II', *Anglo-Norman Studies*, 20 (1998), pp. 87–105.

³⁰ The case is studied in Powicke, *King Henry III and the Lord Edward*, i, pp. 214–31.

³¹ M. W. Labarge, *Gascony: England's First Colony, 1204–1453* (London, 1980), pp. 17ff.

³² The document is edited in C. Bémont, *Simon de Montfort, comte de Leicester, sa vie (1202–1265), son rôle politique en France et en Angleterre* (Paris, 1884), PJ II, pp. 264–5. It is reproduced in Appendix 1, below.

³³ Powicke, *King Henry III and the Lord Edward*, i, p. 215, n. 1.

grant of Gascony to Simon in terms of a general keepership – unlike the office of seneschal – for seven years.³⁴ The grant states that Simon will be responsible for recovering the rights and liberties of the king that have been alienated in the duchy. If Henry dies before the end of the term, then Simon will be *intendens* and *respondens* to the queen or to their descendants. Both these terms seem to refer to the source of Simon's rights in Gascony for the duration of his delegation, rather than to an accounting procedure. At the end of this term, Gascony will be restored intact to the king. The earl of Leicester will draw the whole of the royal income in Gascony during the period of his keepership. However, if the cost of the wars in the duchy, and in particular the costs linked to the repair and improvement of castles, exceed the income he can expect, the king will step in to help. The cost of wars against the neighbours of the duchy were not taken into account in the letters of May 1248 and Simon had to be given additional powers to enter into negotiations with neighbouring kings.³⁵ The clauses relating to Henry III's financial and military contribution are rather general, and this may help to explain the nature of the arguments which were put forward in 1252, when Simon fell out with him; they also account for the terms of the grievances put down in writing in 1262, when both parties appealed to the French court for arbitration on a range of issues.

Indeed, it was not long before the activities of Simon de Montfort raised strong protest from the Gascons, who complained directly to Henry III.³⁶ In November 1249 the king warned Simon that his rule in Gascony was excessively severe.³⁷ Yet outside the royal circle, there was little sympathy for the Gascons. A letter from Adam Marsh to Simon de Montfort, wherein Adam warns Simon against pride and recommends greater mercy and justice, may be interpreted as a condemnation of Simon's excesses in Gascony.³⁸ However, this letter is undated, and in October 1250 Marsh incurred Henry's displeasure when attempting to defend the earl.³⁹ In fact in his correspondence Adam constantly praised Simon's

³⁴ Letters dated 30 November 1249, however, are addressed by the king to Simon as 'Senescalio suo Wasconiae': *Foedera*, I, ii, p. 158.

³⁵ During his delegation in Gascony, Simon also acted as procurator of the king in negotiations with Theobald of Navarre, for which letters of procuration were deemed necessary. These refer to the fact that the king has committed his land of Gascony to Simon ('cui terram nostram Wasconiae commissimus') and state that he gives him full and free power to make peace or draw a compromise ('potestatem pacificandi, seu componendi'): *Foedera*, I, ii, p. 157, 7 February 1249.

³⁶ The events are analysed in J. R. Maddicott, *Simon de Montfort* (Oxford, 1994), pp. 111–17.

³⁷ 'Super quo vos duximus attente monendos, quatinus non sitis in hiis exequendis adeo tepidi vel remissi, quod per facilitatem veniae iterum sumatur a similibus incentivu delinquendi; nec adeo crudeles, quod ultra merita procedatur ad poenas; set per tramites justitiae linealiter procedatis, prout constantis et justi Judicis requirit sollicitudo, et inde debeatis diebus perpetuis commendari': *Foedera*, I, ii, p. 158, 30 November 1249.

³⁸ *The Letters of Adam Marsh*, ed. and trans. C. H. Lawrence (2 vols, Oxford, 2006–10), ii, no. 139. For the relationship between Marsh and the earl of Leicester, see Maddicott, *Simon de Montfort*, pp. 80–1.

³⁹ *Letters of Adam Marsh*, ed. Lawrence, ii, no. 141.

actions and encouraged him to keep faith in the face of adversity.⁴⁰ Similarly the treatise on kingship and tyranny that Robert Grosseteste sent to the earl of Leicester in 1249 is usually interpreted as a warning against the latter's behaviour in Gascony.⁴¹ But *De regno et tyrannide* concerns the defence of Grosseteste's power as a bishop, as well as 'spiritual kingship', not temporal power, so one may suggest that Grosseteste was actually seeking approval for his own actions. The letter of Adam Marsh to Grosseteste dated January to June 1249, which mentions that Simon returned the treatise signed with his *signum*, also echoes the earl's enthusiastic response to a scheme of Grosseteste's, apparently a crusading project, and its overall tone does not imply any condemnation of Simon's attitude.⁴²

The tensions between King Henry and Simon de Montfort broke into open conflict when Gaston de Béarn, who had been captured by the earl of Leicester, was sent to England as a prisoner. His kinswoman Queen Eleanor interceded in his favour, and he soon received a pardon from the king; his lands were restored to him in return for homage. Simon saw this as a breach of his pacification policy in Gascony, and of the law prevailing in the duchy: a letter he wrote to the king in March 1250 states that Gascons who attempted to deal directly with the king would lose their case in Gascon courts.⁴³ In January 1251, Henry sent emissaries to Gascony with a mandate to put an end to the quarrels between Simon and his Gascon antagonists. The king stated that otherwise he himself would intervene to solve the conflict.⁴⁴ This again short-circuited Simon's actions.

In December 1251, Simon came back to England. He was at York for the wedding of the king's daughter with Alexander III of Scotland. There the king accused him of having forced the Gascons into rebellion by his attitude, and forbade him to return to the duchy. In January 1252, Henry III sent a commission to Gascony in order to enquire about the complaints against the earl of Leicester; the commissioners also chose a number of Gascon representatives who would submit their case to the king. In early May, Simon was at Westminster, and the Gascons presented their case against him. They also demanded the removal

⁴⁰ In several letters addressed to the earl of Leicester during the time of his legation in Gascony, Adam Marsh states that he does not doubt that Simon is sustained by divine mercy and encourages him to keep faith in justice even when surrounded by treachery and facing the onslaught of his enemies: *ibid.*, ii, nos 133 (1249–51), 136 (after June 1252), 138 (1250×1251), 141 (1250).

⁴¹ The treatise is edited in S. Gieben, 'Robert Grosseteste at the Papal Curia, Lyons, 1250: Edition of the Documents', *Collectanea Franciscana*, 41 (1971), pp. 377–80. For Maddicott, this was a more 'subtle rebuke' than the one sent to him by Grosseteste in 1238, but a rebuke nonetheless: 'Grosseteste's despatch to him, some thirteen years later, of his tract on the distinction between just rule and tyranny was surely an equally pointed if more subtle rebuke, for it held up for condemnation the tyrannical practices of oppression and extortion which seemed to inform Montfort's government of Gascony at just this time.' (Maddicott, *Simon de Montfort*, p. 99)

⁴² *Letters of Adam Marsh*, ed. Lawrence, i, no. 25.

⁴³ Bémont, *Simon de Montfort*, p. 267.

⁴⁴ *CPR, 1247–58*, p. 85 and the commentary by Maddicott, *Simon de Montfort*, p. 113.

of Simon from Gascony and asked for the presence there of the king or his son.⁴⁵ The trial lasted for about a month; finally, on 13 June 1252, the king had to yield to the magnates who were backing the earl of Leicester and gave a ruling that exonerated him. At the end of summer, Simon relinquished his keepership into the hands of Lord Edward, and in November, he abandoned all his rights as guardian of Gascony in exchange for a large sum of money.⁴⁶ Towards the end of 1253, Henry III turned again to Simon for help in Gascony, but this was on renewed terms.⁴⁷

Sources relating to the trial of May–June 1252 have survived, and they throw some light on the way the government of Simon de Montfort in Gascony was perceived.⁴⁸ Several documents – including those rehearsing the complaints of the Gascons – clearly state that Simon was *uices gerens* of the king in Gascony: that he was standing in for the king.⁴⁹ The expression *uices gerens* is frequently found in thirteenth-century sources and in the context of the trial of 1252 it does not seem to refer to a new form of representation. The implications of this position are quite clear in Simon's reply to the complaints of the Gascons against him: he reminded them that they owed obedience and fealty both to the king and to himself.⁵⁰ Another significant element in the statements made during the trial is that Simon's adversaries accused him of not obeying the orders of the king.⁵¹ The earl did not deny this, but he explained that Henry had been deceived and had

⁴⁵ Bémont, *Simon de Montfort*, PJ XXI, pp. 306–7 (complaints of the community of Bayonne): 'si placuerit, vosmet personaliter veniatis, vel saltem dominum nostrum post vos Adewardum in terram Wasconie transmittatis, qui ad honorem et utilitatem vestram terram deffendet [*sic*], et servet, et manuteneat.' Ibid., PJ XXIII, p. 312 (complaint of two citizens of Bazas). Simon had been well received in Bazas, 'quia sperabant quod magnus et sororius regis terram regeret ad domini regis commodum et honorem'. They now ask 'quod amoveatis comitem, nec redeat ad partes illas, et mittatis filium vestrum dominum Edwardum dominum nostrum, in adventu quorum [*sic*] omnia erunt in pace, si vos ire nolletis.'

⁴⁶ Ibid., PJ XXVIIIbis, pp. 321–2.

⁴⁷ Powicke, *King Henry III and the Lord Edward*, i, p. 217; Maddicott, *Simon de Montfort*, pp. 122–3.

⁴⁸ Bémont, *Simon de Montfort*, PJ XIII to XXVIII.

⁴⁹ Complaint presented to the king by Arnaud de Blanchefort (ibid., PJ XXII, p. 307): 'uices uestras gerens in Vasconia'. The plaint of Guillaume de Ermandars states that the count came to Gascony 'pro domino rege' (ibid., PJ XXIV, p. 312); that of Gaston de Béarn has Simon de Montfort 'gerente in Wasconia vices regis' (ibid., PJ XXV, p. 313). See also the *Forma pacis* of December 1251 between the citizens of Bordeaux, where Simon is described as 'vices Domini Regis Angliae in Vasconia gerentis' and 'ejus locum tenenti': *Foedera*, I, ii, p. 162.

⁵⁰ Bémont, *Simon de Montfort*, PJ XIV, p. 287: 'par la feauté qu'il avoient a lor segneur le Roi et a lui'; ibid., p. 288: 'encontre nostre segneur le Roi et le conte', 'et vers le Roi et vers lui'; ibid., p. 289: 'contre nostre segneur le Roi et contre lui'.

⁵¹ Ibid., PJ XIII, p. 283, where Gaillard de Soler states that Simon de Montfort has not obeyed the king's orders: 'Comes autem mandatum domini regis vilipendens, nichil fecit, sed potius gravamina gravaminibus cumulavit. Ad ultimum autem videntes Gaillardus et amici sui quod comes nichil faciebat pro mandato regis, venerunt personaliter ad dominum regem [...] ut dominus rex ipsos et terram suam Wasconie respicere sicut bonus dominus dignaretur.'

changed his mind on being better informed.⁵² When accused by his adversaries of having prevented them from appealing directly to the king, Simon replied that this had not been the case and that he had not resorted to coercion beyond forcing them to offer sureties for good behaviour.⁵³

The account of the trial in a letter of Adam Marsh to Robert Grosseteste, written on 15 June 1252, insists on the clarity and honesty of Simon's defence, and on the malice of his opponents.⁵⁴ In Adam's eyes, the earl continuously defended the interests of the king and his heirs: those who opposed him were in fact opposing the king. When Henry became angry, the earl suggested that the king 'provide for him to set out for the land of Gascony to act as its keeper'; if a peaceful settlement could not be reached, Simon declared himself willing to return to Gascony with an expeditionary force:

[H]e was ready freely to expend himself, the persons of his friends, their sweat, their watchfulness, and their resources, to secure the lord king and his heirs from loss and to procure their advancement, to humble rebels, and to exalt the king's subjects.⁵⁵

If the king turned down this offer, Simon would give up his keepership of Gascony. Henry's reaction was to seal ordinances imposing a truce until 2 February 1253, and to send his son to Gascony in order to pacify the region, as well as a bailiff (*baiulum*) to deal with current affairs. The comment of Adam Marsh is that:

[T]hrough all this, acting on his own judgement without interruption, he will obviously procure his disinheritance, the enfeebling of the kingdom, the confusion of the earl and the disturbance of the people.⁵⁶

Simon left the court and then wrote to the king to explain that he was ready to 'obey his good pleasure with all his strength, so long as it is in the interest of the king's profit and honour'.⁵⁷

The trial was also recorded by Matthew Paris, but he was not a direct witness to it and he seems to have reconstructed the proceedings from other testimonies, adding a personal touch when needed.⁵⁸ According to Paris, the adversaries

⁵² Ibid., PJ XIV, p. 294: 'cil décurent le roi et son conseil et le furent antandre faus.'

⁵³ Ibid., PJ XIV, p. 296.

⁵⁴ *Letters of Adam Marsh*, ed. Lawrence, i, no. 30.

⁵⁵ Ibid., no. 30, p. 86: '[...] reuertetur in Vasconiam, sui ipsius et amicorum suorum personas, sudores, uigilantias et facultates, pro ipsius domini regis et heredum suorum indempnitate pariter et profectu, ad humiliationem rebellium et subditorum exaltationem, tam libenter quam constanter expositurus.'

⁵⁶ Ibid., no. 30, p. 88: '[...] per omnia manifestissime sui exheredationem et regni infirmationem, et comitis confusionem et populi perturbationem, ex sententia sine intermissione procurans.' Lawrence translates *sine intermissione* as 'without intermediary', which has a specific resonance in this context. The translation chosen here, however, is 'without interruption'.

⁵⁷ Ibid., no. 30, p. 88: '[...] significauit domino regi se paratum esse parere ipsius beneplacito pro uiribus, quatenus domini regis dumtaxat consulitur profectui pariter et honori.'

⁵⁸ *Chronica maiora*, v, pp. 294–6. In Paris's account, Simon is clearly the *custos* of Gascony (ibid., p. 293).

of the earl insisted on the injuries suffered by the king through the actions of Simon de Montfort, on the fact that Henry had not been aware of what was going on in Gascony, and that he had not participated in the earl's actions.⁵⁹ Treason was clearly one of the accusations uttered against Simon de Montfort, 'proditor [...] nequissimus'.⁶⁰ Henry III's decision to hold an inquest into Simon's actions receives an additional twist in Paris's account, since the chronicler states that a similar inquest had been held by Geoffrey Langley, on the king's order, into Robert of Passelewe's actions.⁶¹ Indeed, one of the key elements of the trial of May–June 1252 was the debate about Simon's obligation to account for his legation in Gascony, and the possibility for the king to hold an inquest into the earl's actions.⁶² When such a suggestion was made, according to Paris, the earl of Leicester flew into a rage, upon which the king stated that the earl had nothing to fear if he was innocent. Ten years later, the king maintained that Simon had himself offered to prove his innocence in this way.⁶³

In the early 1260s, the continuous disagreements between Henry III and the earl of Leicester on a number of issues led them to turn to Louis IX and Queen Marguerite for arbitration.⁶⁴ The grievances of both parties were presented to the queen in the spring of 1262, but the arbitration never took place: in September 1262, an epidemic devastated the French court, and Henry himself fell sick. On 8 October 1262, he wrote to Philip Basset to announce that he had given up

⁵⁹ Ibid., v, p. 295.

⁶⁰ Ibid., v, p. 276.

⁶¹ Ibid., v, pp. 276–7: 'Rex igitur fluctuans sub incertitudine in Wasconiam clam et subito Henricum de Wingham clericum suum, virum subtilem et circumspectum, ad inquisitionem diligentem faciendum super praemissis, ut infallibiliter certificaretur, destinavit; sicut olim miserat Galfridum de Langeleia, ut super factis Roberti Passelewe suspecti inquirendo abscondita rimaretur, et "nodum quaerens in scirpo" et angulum in circulo, perplexa denodaret; sed uterque perscrutator defecit perscrutans scrutinio.' See also *ibid.*, v, p. 137 for the deposition of Passelewe's servants by Langley in 1250. *CPR, 1247–58*, p. 112 (12 October 1251), records a grant to Robert and Hamo Passelewe, according to which they will be quit of all accounts, inquisitions etc. which the king could require of them for the time they held any royal office.

⁶² Powicke, *King Henry III and the Lord Edward*, i, p. 217, n. 1, notes the fact that Simon did not have to render account like a bailiff, but that he kept accounts in order to recover expenditure. Auditors were chosen in early 1252 to oversee these accounts. See *Royal and Historical Letters Illustrative of the Reign of Henry III*, ed. W. W. Shirley, RS 27 (2 vols, London, 1862), ii, no. 491, pp. 91–, for the appointment of Rocelin de Fos and Nicholas de Molis to audit the account of Simon de Montfort for the expenses incurred in connection with the castle of Cussac in August 1252.

⁶³ Bémont, *Simon de Montfort*, PJ XXXVI, p. 339.

⁶⁴ *Royal and Historical Letters Illustrative of the Reign of Henry III*, ii, nos 545 to 547 (letters of Henry submitting to the arbitration of Louis, dated 14 and 27 March 1261). Letters patent of Henry III dated 5 July 1261 give the names of the representatives on both sides: Philip Basset and John Mansel to represent Henry, Walter, Bishop of Worcester, and Peter de Montfort to represent Simon and Eleanor, as well as two *mediatores*: Hugues, Duke of Burgundy, and Pierre le Chambellan. See Maddicott, *Simon de Montfort*, pp. 217–19 for the arbitration of Queen Marguerite the following year.

the idea of a compromise.⁶⁵ Some documents relating to the project of arbitration have survived, however, and they show that Gascony was still a thorny issue in the conflict between Simon and Henry. They also demonstrate, much more clearly than the trial of 1252, how the king and the earl used different arguments about the terms of the latter's keepership of Gascony. According to Simon, it was Henry and Eleanor who had asked him to go to Gascony: desiring to have a free hand in dealing with the Gascons, he had obtained Gascony for seven years, and had made sure that its inhabitants would answer to him as they would answer to the king.⁶⁶ The whole argument of Simon de Montfort turned on the fact that he had not been a 'baillif' who had to account for his actions, but that he had been standing in for the king himself.⁶⁷ He added that he had been suspicious from the start about what might happen during his time in Gascony, and that he had made sure that he would have the full lordship over the duchy for seven years, not as a 'baillif' who can be taken out of his office at the will of his lord, but as one standing in for the lord.⁶⁸ Hence his furious reaction when he realized that Henry had been ready to listen to the complaints of the Gascons.⁶⁹ This argument was countered by Henry III, who claimed that the earl of Leicester had indeed been nominated as his 'baillif' in Gascony.⁷⁰

Bailliage and mandement

The arguments presented in 1262 by Henry III and the earl of Leicester turned on issues of responsibility and representation. This was already at the heart of the conflict in 1252 and probably explains why Simon de Montfort then refused to obey the king when ordered to step down from his office.⁷¹ Although the possibility of holding an inquest was raised in the course of the trial of 1252, it was only in 1262 that the argument about Simon's having been Henry's bailiff in Gascony came fully to the fore. This may reflect the significance of financial considerations at the time. The terms of May 1248 implied that Henry would provide extra help in financial or military matters in case the expenditure for the keepership of Gascony exceeded what was reasonable or what the earl of Leicester could draw from the duchy. Instead – as Paris pointed out – Simon was

⁶⁵ Powicke, *King Henry III and the Lord Edward*, ii, pp. 429–30.

⁶⁶ Bémont, *Simon de Montfort*, PJ XXXV, p. 336: 'et que de totes choses fussent les genz entendantz a lui come au roy, et des eissues de la terre et de servises desques au terme devant dit.'

⁶⁷ Ibid., PJ XXXV, p. 339: 'ne mie come baillif por randre aconté, mes que la gent fussent entendant a li come au rey meismes.'

⁶⁸ Ibid., PJ XXXVI, pp. 341–2: 'et il en cele manere l'emprist, ne mie come baillifs remuables a volanté de seigneur, mes come en lieu de seigneur en totes choses tresques a la fin des vij aunz devant diz.'

⁶⁹ Ibid., PJ XXXV, p. 337.

⁷⁰ Ibid., PJ XXXVI, p. 339: 'Le roy dit ke le conte de Leycestre fu son baillif en Gascoyne.'

⁷¹ Bémont, *Simon de Montfort*, PJ XXXVI, pp. 340 and 343.

forced to draw on the revenues of his own earldom of Leicester.⁷² As for the king, he stated that Simon had badly handled the administration of the duchy ('le roi dit qu'il icele terre de Gascoyne maubailla'), and that the damages were worth 80,000 marks of silver and over.⁷³ Presenting the earl of Leicester as a bailiff made possible the prospect of the payment of damages by him, though this may only have been a ploy to counter the earl's financial demands.

In the middle decades of the thirteenth century in England the responsibilities of bailiffs were better defined in law. Formerly the bailiff had been considered as the direct representative of his lord, or rather, of the land of the lord he was in charge of. It was therefore possible, if the lord was away, to turn directly against his bailiff. The bailiff could alienate the land of his lord by handing it to a tenant, just as if he had been the lord himself. For a long time, the only recourse open to the lord who was a victim of his bailiff's wrongdoing was to obtain a writ that would enable him to recover his land as if it had been alienated by a third party. This led Plucknett to describe the seignorial bailiff as a kind of 'tenant'.⁷⁴ In the second half of the thirteenth century, however, this situation underwent significant transformation: the bailiff was increasingly considered as a simple servant of his lord, and the feoffments made by him were deemed to be invalid,⁷⁵ while the development of the action of account provided easier redress for the lords.

A similar evolution took place in France. In his *Coutumes de Beauvaisis*, written about twenty years after the appeal to the French court, Philippe de Beaumanoir (1250–96) considered the different ways in which lords could delegate their power, and the avenues that were open to them to seek redress in cases of wrongdoing.⁷⁶ In chapter 29 of the *Coutumes*, which deals with the responsibility of sergeants and the possibility – or impossibility – of the lord suing his own servants, Beaumanoir distinguishes between services rendered for a *loyer* (salary, reward), services by *mandement* (by order), and those rendered voluntarily without a *mandement* (without order) and without *loyer*; finally, he contrasts them all with the service owed on the basis of fief. In this section, he also considers questions arising from an action that has exceeded the limits of the *mandement*. The rule is that servants must only fulfil the office for which they have been nominated. If they do not respect this rule, and damage follows, then their lord can cancel the contract he has with them ('suir ou depecier le marchié'), provided he does so immediately. If a servant is the author of a deliberate wrongdoing, and has acted without order, then the lord can sue him for damages. Beaumanoir also deals with cases where a person has acted without any agreement, *mandement*, or request: for instance, where it is necessary to act in order to protect the goods of an absent

⁷² *Chronica majora*, v, p. 294.

⁷³ Bémont, *Simon de Montfort*, PJ XXXVI, pp. 340–1.

⁷⁴ T. F. T. Plucknett, *The Medieval Bailiff* (London, 1954), repr. in *Studies in English Legal History* (London, 1983), pp. 15–18.

⁷⁵ *Ibid.*, p. 22; see Lachaud, *L'éthique du pouvoir*, pp. 551–3.

⁷⁶ Philippe de Beaumanoir, *Coutumes de Beauvaisis*, ed. A. Salmon (2 vols, Paris, 1899–1900), ii, ch. 19, pp. 410ff.

neighbour (a reference to the 'negotiorum gestio' of Roman law). This leads him to consider conflicts between servants and their lords, in particular when servants have incurred expenses that the lord considers illegitimate.

In England, as in France, the legal doctrine evolved in a way that made it easier for lords to seek redress against their servants. Describing the earl of Leicester as the 'bailiff' of Henry therefore probably opened the door to the possibility of some redress in the context of an arbitration in the French court.⁷⁷ This may explain why Simon de Montfort never accepted that he had been the bailiff of the king, and always claimed that he had been standing in for the king in person – a kind of High Justiciar of Gascony, or a lieutenant of the king – so that the king could not initiate any action of trespass against him for the actions committed during this term.⁷⁸

The Influence of the Doctrine of Representation

The influence of *ius commune* may also have played a role in defining the terms of Simon de Montfort's delegation to Gascony in the run-up to the arbitration. We know that Henry III sought legal advice in preparation for the arbitration at the French court. In the months preceding the planned confrontation in Paris, he turned to Guido of Pavia, *doctor legum* in Orléans.⁷⁹ This Guido may tentatively be identified with Guido de Cumis, educated in Bologna, who may still have been active in Orléans in 1263.⁸⁰ It is also probable that legal advisers helped Simon de Montfort build his case: Raymond Bodin of Aurillac, who acted as a procurator for the earl of Leicester in England, may have been one of them.⁸¹ Although a range of issues were submitted for arbitration in 1262, the need to define precisely the nature of the delegation of power to Simon in Gascony may

⁷⁷ F. Pollock and F. W. Maitland, *The History of English Law before the Time of Edward II*, 2nd edn (2 vols, Cambridge, 1923), ii, p. 221: 'The earliest instance of this action known to us dates from 1232: the writ seems to come upon the register late in Henry III's reign, and much of its efficacy in later times was due to the statutes of 1267 and 1285.' For this question, see in particular Sabapathy, *Officers and Accountability*, pp. 52–82.

⁷⁸ Bémont, *Simon de Montfort*, PJ XXXV, p. 339: 'et desl come le conte par cele quittance rien vers le rey de cele chose ne poet demaunder, bien semble que son seigneur le rey nule maniere de accion des trespas qe dedanz tiel terme furent fez poet avoir vers li.'

⁷⁹ CCR, 1261–4, p. 131, between 24 and 26 June 1262.

⁸⁰ For Guido de Cumis, see C. Vulliez, 'Des Écoles de l'Orléanais à l'Université d'Orléans (X^e–début du XIV^e siècle)', Thèse de doctorat d'État de l'Université Paris-X Nanterre (1994), pp. 1362–3; R. Feenstra, 'L'enseignement du droit à Orléans: État des recherches depuis Meijers', in R. Feenstra and C. M. Ridderikhoff, eds, *Études néerlandaises de droit et d'histoire présentées à l'Université d'Orléans pour le 750^e anniversaire des enseignements juridiques* (Orléans, 1985), pp. 13–29, esp. 16–18. I wish to thank Charles Vulliez for information on the possible identification of Guido of Pavia as Guido de Cumis.

⁸¹ One of the issues of the debate between Henry III and Simon de Montfort turned precisely around the extent of the responsibility of Raymond Bodin as proctor of the earl in England: Bémont, *Simon de Montfort*, PJ XXXVII, p. 346.

well have been one of the particular matters on which these civilian lawyers were consulted.⁸²

From the twelfth century, the influence of Roman law certainly helped shape the idea of representation.⁸³ By the late thirteenth century, the doctrine of representation in canon law acquired its definitive form, with the title *De regulis iuris* inserted at the end of *Liber sextus* in 1298 (rule 68: 'Potest quis per alium, quod potest facere per seipsum.' And rule 72: 'Qui facit per alium, est perinde ac si faciat per se ipsum.'). but this only sanctioned practices that had become widely accepted.⁸⁴ The doctrine of mandate in particular played a significant role in elaborating administrative structures within the Church and in developing the notion of representation.⁸⁵ Sections on mandate are found in the Digest, III, tit. XXVI, *De mandato*, and in the third book of the Institutes,⁸⁶ and they were glossed by civilian and canon lawyers alike.⁸⁷ In Roman law, the mandate is a contract by which a principal asks another person, the agent, to accomplish a particular action at a particular place and time.⁸⁸ This was originally gratuitous:

⁸² For legal advice being sought from civilian lawyers in an earlier, high-profile case, see W. Ullmann, 'Arthur's Homage to King John', *EHR*, 94 (1979), pp. 356–64: in early 1200, Arthur probably sought Azo's advice concerning his right not to render homage to John for Brittany, since the case is analysed in one of Azo's *Quaestiones*.

⁸³ Esp. P. Legendre, *La pénétration du droit romain dans le droit canonique classique de Gratien à Innocent IV (1140–1254)* (Paris, 1964); P. Legendre, 'Du droit privé au droit public: Nouvelles observations sur le mandat chez les canonistes classiques', *Mémoires de la Société pour l'histoire du droit et des institutions des anciens pays bourguignons, comtois et normands*, 30 (Dijon, 1970–1), pp. 7–35.

⁸⁴ L. Mayali, 'Fiction et pouvoir de représentation en droit canonique médiéval', in B. Durand and L. Mayali, eds, *Excerptiones iuris: Studies in Honor of André Gouron* (Berkeley, 2000), pp. 421–37, esp. 422.

⁸⁵ Some contemporary texts actually suggest the influence of Roman civil law on the conception of responsibility in an administrative context. Dealing with the duties of the bishop, Peter of Blois explains that if the familiars of the bishop perpetrate a crime, it is the prelate who is considered guilty: 'this is because the ratification is compared to the mandate'. And to the bishop will be attributed the action for which he has given his consent to another person: 'Nam si collaterales tui, aut alii, qui tuae familiaritatis auctoritate utuntur, offenderint, scia quia in te culpa refundetur. Scia quia ratihabitio mandato comparatur. Illudque censetur opus tuum, cui proprium alio mediante impartiris assensum': Peter of Blois, *De institutione episcopi*, PL 207, col. 1101.

⁸⁶ R. Zimmermann, *The Law of Obligations: Roman Foundations of the Civilian Tradition* (Cape Town, 1990), pp. 413–32.

⁸⁷ E. M. Meijers, *Études d'histoire du droit*, ed. R. Feenstra and H. F. W. D. Fischer, vol. 3: *Le droit romain au Moyen Âge*, part 1: *L'enseignement du droit dans trois universités du XIII^e siècle: Histoire des sources* (Leiden, 1959), pp. 30–5; R. Feenstra, 'Les *Casus Institutionum* de Guido de Cumis (manuscripts et éditions)', in *Fata iuris romani: Études d'histoire du droit* (Leiden, 1974), pp. 260–82. The commentary of Guido de Cumis on this section of the Institutes has survived in the shape of *reportationes* and is available in early printed editions, e.g. Guilielmus Accursius, *Casus in terminis super Institutis* (1500).

⁸⁸ P. Ourliac and J. de Malafosse, *Droit romain et ancien droit*, vol. 1: *Les obligations* (Paris, 1957), p. 291: the mandate is 'un contrat par lequel un *mandator* (mandant) charge une autre personne (mandataire) d'accomplir, en son lieu et place, un acte déterminé'.

the service of a friend. The mandate then evolved into a technique which used representation, which means that it was possible to use it for various actions, for instance to administer a patrimony.⁸⁹ The idea of contract, which underlined the mandate, seems to have gradually disappeared in the process, and the mandate became an order.

Pierre Legendre has suggested that mandate came under the influence of the correlative notions of order and submission.⁹⁰ A significant conclusion of Legendre's work is that the development of the casuistry of the mandate led theorists to conceive of any power as a form of concession, with the concepts of authority and obedience acquiring a new centrality. The mandate was inserted in the 'ordre légal des compétences', and also acquired a territorial significance: this contributed in a major way to the structuring of power. Legendre underlines the necessity of linking the doctrine of mandate in canonistic thought with a number of new challenges to the law: the multiplicity of delegations, the modernization of justice and procedure, the new coherence of the ecclesiastical hierarchy, the trend towards centralization and the construction of a system of homogeneous rules.⁹¹ By contrast, for David Johnston, the influence of Roman law, where it is to be observed, tended towards a mutual enhancement of the sovereignty of the prince and the power of administrators; it may also have led to an amplification of a unitary vision of power as well as the assertion of the fictitious presence of the prince in the whole of his administration.⁹²

Does the doctrine of mandate and representation help clarify the arguments put forward in the conflict between Simon de Montfort and Henry III about Gascony? Even if one cannot pin down the precise legal arguments used in 1252 and again in 1262, it seems possible to claim that the conflict between Henry III and Simon de Montfort about the latter's delegation in Gascony took place against the backdrop of a general diffusion of legal conceptions of representation. The service that Simon rendered in Gascony was not remunerated, and he claimed to act in the best interests of the king.⁹³ To some extent this may be

⁸⁹ Ibid., p. 394: 'On confie à un intendant ou à un régisseur le "gouvernement" d'un domaine (*Lex Curiensis*, IV, 35) et de là on en vient normalement à l'institution d'un prévôt, bayle ou sergent royal ou seigneurial.'

⁹⁰ Legendre, 'Du droit privé au droit public', p. 11: 'Mais l'étymologie courante (*quasi manu datum*) devait entraîner la doctrine dominante, celle d'Azon et de ses successeurs, à privilégier l'idée de commandement et corrélativement de soumission du mandataire à l'ordre reçu.'

⁹¹ Legendre, *La pénétration du droit romain*, pp. 119–26.

⁹² Johnston, 'The General Influence of Roman Institutions'.

⁹³ In a letter to Henry III dated 3 April 1249 he states that he has been attacked by the wicked since he sustains the rights of the king and the poor against them: *Royal and Historical Letters Illustrative of the Reign of Henry III*, ii, no. 456, p. 53. For Matthew Paris, however, the root of the problem lay in Henry III's lack of judgement and changing character ('indiscretio et instabilitas'), already patent in his dealings with Richard of Cornwall. According to him – Paris's testimony seems, however, fairly unreliable on this point – Richard had been given Gascony in 1225, only to see it pass to the heir of the throne in 1252 after Queen Eleanor's intervention, to the effect that the Gascons were detached from their fidelity to

understood in the light of contemporary texts on mandate. The terminology of mandate does not appear, however, in the sources relating to the conflict, and the notion of *uices gerens* does not fit with the distinction made between the *dominus* and the *mandatarius* in texts dealing with mandate: Simon simply claimed that he was standing in for the king, that he was acting as if he were the king himself. As for the king, his argument focused on the use of the word 'bailiff' to define the function of Simon in Gascony, in agreement with a more general evolution which led to the action of account.

The Political Impact of the Crisis of 1248–52

An immediate impact of the crisis may have been the redefinition of the delegation of the king's power in Gascony and elsewhere. For J. R. Studd, it was the decision by the Gascons to appeal directly to King Henry that forced him to change the terms of this legation. According to Matthew Paris, when the Lord Edward received Gascony in 1252, Henry kept the 'ligesse'.⁹⁴ The concession of 14 February 1254, whereby Edward received Ireland, as well as Gascony and a number of lands and castles in England, contained the important proviso that these were never to be alienated from the Crown, or, more precisely, from the 'dominium' of the Crown of England.⁹⁵ And Henry, not Edward, would do homage to Louis IX for Gascony. Later, Henry also refused to validate the nomination by Edward of Guy de Lusignan as his seneschal in Gascony.⁹⁶ The repeated interference of Henry III in Gascony, whether during the guardianship of Simon de Montfort or during that of Edward, may reveal the lack of trust between the king and the men to whom he delegated power. But the argument between Henry and Simon about Gascony may also have had consequences for the king's conception of the nature of his kingship.⁹⁷ Asserting his domination and reserving to himself both *dignitas* (or *auctoritas*) and *administratio* (or *potestas*) – to use the terms of canon lawyers – may have been seen by Henry as a necessary step in order to face possible challenges to his power. Furthermore, the events in

Richard: *Chronica majora*, v, pp. 291 and 292–3. For a criticism of Paris's story, see J. R. Studd, 'The Lord Edward and Henry III', *BIHR*, 1 (1977), pp. 4–19.

⁹⁴ Matthew Paris states that when the Gascons gave homage and swore an oath of fidelity in 1252, the king kept 'the main lordship, that is to say the ligesse' ('principale dominium, scilicet ligantiam'): *Chronica majora*, v, p. 314.

⁹⁵ *Foedera*, I, i, p. 178.

⁹⁶ H. Ridgeway, 'King Henry III's Grievances against the Council in 1261: A New Version and a Letter Describing Political Events', *Historical Review*, 61 (1988), pp. 227–42, esp. 230.

⁹⁷ Studd warns against following the version of events given by Matthew Paris, stressing that the charter of February 1254 that created an 'apanage' for Edward did not weaken Henry's authority: on the contrary, it asserted the king's sovereignty: Studd, 'The Lord Edward and Henry III', p. 19; *Chronica majora*, v, p. 450: 'Et ilico contulit dominus rex Anglorum filio suo et ejus uxori Wasconiam, Hiberniam, Walliam, Bristoldiam, Stanfordiam, Graham, adeo ut ipse regulus mutilatus videretur.'

Gascony did not take place very long after Pope Innocent IV issued the decretal *Grandi* (1245) that led to the deposition of Sancho II of Portugal in 1247.⁹⁸

It does not seem that Edward shared the same defiant attitude with his own delegates in Gascony. The letters patent defining the mission of Roger Leyburn when he was nominated to represent Edward in Gascony in 1269 describe him as the *ordinator, reformatore, factor solempnis* of all the affairs of Edward and of Edward's land of Gascony *et aliunde*. Edward commits to him his representation ('uices nostras') in all things, giving him entire and free power to ordain and execute the said affairs, show justice, reform the peace, edict statutes, correct customs, compensate the victims of officers' actions and so on. Finally, Edward orders the persons to whom his letters are addressed to answer to Roger as if they were answering to him.⁹⁹ The concession is much more detailed than the one made by Henry III to Simon de Montfort, but it does not define the relationship between Edward and Roger any more precisely than that between the king and the earl of Leicester in 1248. In particular, there is nothing on the procedure that may be followed to recover damages.

As for Simon de Montfort, one may suggest that the experience in Gascony made him seek an alternative to the position of *uices gerens* of the king. This he may have done by turning to his position as a great officer of England, which could potentially give him some authority within the political community.¹⁰⁰ He had obtained the title of steward of England together with the inheritance of the earldom of Leicester in 1231. There was even a dispute between him and Roger Bigod about the exercise of the prerogatives linked to this office during the festivities for the wedding of Henry and Eleanor of Provence in January 1236. But it was from 1260 that Simon attempted to exploit the political advantages of the title, for which he may have obtained an official recognition in 1263.¹⁰¹ After his victory at Lewes in May 1264 he made regular use of the title of steward of England.

⁹⁸ On these events and on the distinction between authority and power in thirteenth-century canon law texts, see E. Peters, *The Shadow King: Rex inutilis in Medieval Law and Literature, 751–1327* (New Haven and London, 1970), chs 3 and 4; also G. Agamben, *The Kingdom and the Glory: For a Theological Genealogy of Economy and Government (Homo Sacer II, 2)*, trans. L. Chiesa (Stanford, CA, 2011), ch. 4. It is difficult, however, to know what to make of the altercation that took place between Simon and Henry at Saintes in 1242: losing patience with Henry, Simon would have compared him with Charles the Simple, who had been imprisoned after the battle of Soissons (Bémont, *Simon de Montfort*, PJ XXXVI, p. 241).

⁹⁹ *Historiae monasterii S. Severi libri X*, ed. Dom du Buisson (2 vols, Aire, 1876), i, pp. 246–7; the text is reproduced in Appendix 2, below.

¹⁰⁰ J. Peltzer, 'Officiers du roi ou officiers du royaume? Les grands offices de la cour en Angleterre au XIII^e et au début du XIV^e siècle', in D. Barthélémy et al., eds, *Communitas regni: La 'communauté du royaume' (Angleterre, Écosse, France, Empire, Scandinavie), de la fin du Xe siècle au début du XIVe siècle: Théories et pratiques* (Paris, forthcoming).

¹⁰¹ *Documents of the Baronial Movement of Reform and Rebellion, 1258–1267*, ed. R. F. Treharne and I. J. Sanders (Oxford, 1973), no. 38, p. 284, quoted in Maddicott, *Simon de Montfort*, p. 240.

Conclusion

The conflict between Henry III and Simon de Montfort about Gascony illustrates the problems raised by the nature of delegation of temporal power in the thirteenth century. Although the debate had strong personal overtones, as well as serious financial implications, what may have been at stake there – at least in the eyes of Henry III – was the preservation of kingship. The definition of Simon's position in Gascony as that of a mere 'bailiff' could prevent any weakening of Henry's position. Although the conflict was not stated in terms of the distinction between authority and power, one may suggest that the spectre of this distinction was at the heart of the debate: and Henry's position implied his fictitious as well as his real presence in all the lands under his domination.

Appendix 1: Letters Patent of Henry III Defining the Mission of Simon de Montfort in Gascony, 1 May 1248

Henricus Dei gracia rex Anglie, dominus Hybernice, dux Normannie, Aquitanie, et comes Andegavie, omnibus ad quos presentes littere pervenerint, salutem. Sciatis quod commisimus dilecto sororio et fideli nostro S. de Monteforti comiti Leycestrie totam terram nostram Wasconie custodiendam a Pascha, anno regni nostri tricesimo secundo, usque ad finem septem annorum subsequentium integre completorum. Et concessimus pro nobis et heredibus nostris quod habeat per idem septennium omnes proventus et omnes redditus predicte terre nos contingentes, exceptis redditibus assignatis quibuscumque in feodo et ad terminum vite de proventibus predictis ante Pascha predictum per nos vel antecessores nostros; ita quod idem Simon sustineat per predictum septennium omnes guerras motas vel forte movendas in terra predicta contra omnes gentes, exceptis regibus Francie, Navarre, Aragonie et Castelle, si forte contingat inter nos et ipsos vel ipsorum aliquem infra tempus predictum guerram moveri. Quam etiam guerram contra reges predictos vel eorum aliquem quantum vires sue suppetent de proventibus et redditibus predictis fideliter sustinebit, et, ubi vires sue de eisdem proventibus et redditibus non sufficient, nos manum ad hoc apponemus tanquam ad propriam terram nostram defendendam, guerram illam sustinendo. Et insuper idem Simon jura, libertates et bona nostra in terra illa dispersa et alienata pro posse suo revocavit. Et si idem Simon custus posuerit per septennium predictum ad castra nostra in terra predicta reparanda vel perficienda, per visum et testimonium proborum et legalium hominum nos eosdem custus eidem Simoni sine difficultate reddemus. Et si forte contingat nos debita solvere nature infra tempus memoratum, idem Simon post decessum nostrum intendens erit et respondens in omnibus de terre predicta Alienore regine nostre tanquam ballie heredis et regni nostri sicut nobis ipsis si superstites essemus, vel heredibus nostris, si de nobis et predicta regina nostra infra tempus predictum humanitus contingat. Completo autem predicto septennio, tota predicta terra Wasconie cum pertinentiis integre revertetur ad nos vel predictam reginam vel heredes nostros, sicut predictum

est, quieta et soluta de predicto Simone et heredibus suis in perpetuum, salvis tamen invadiacionibus, si quas ipsum facere oporteat de predictis proventibus et redditibus pro sustentacione guerre forte movende infra tempus predictum contra reges predictos vel aliquem ipsorum, prout eidem per alias litteras nostras patentes potestatem concessimus. In cujus rei testimonium has litteras nostras eidem Simoni fieri fecimus patentes. Teste me ipso apud Windelesoram, primo die Maii, anno regni nostri tricesimo secundo.

Bémont, *Simon de Montfort*, PJ II, pp. 264–5

Appendix 2: Letters Patent of Roger Leyburn in 1269

Noverint universi tam praesentes quam futuri quod nos Rogerius de Leyburn, gerentes vices incliti Domini Edwardi in Vasconia, juxta formam litterae patensis praedicti Domini quae sequitur: Eduwardus, illustris regis Angliae primogenitus, senescallo ac omnibus ballivis et fidelibus suis Vasconiae, ad quos praesentes litterae pervenerint, salutem: noverit universitas vestra quod nos dilectum et fidelem nostrum, dominum Rogerium de Leyburn, ordinatorem, reformatorem et factorem solempnem nostrorum negotiorum et terrae nostrae Vasconiae et aliunde, ad partes illas duximus transmittendum; cui in omnibus committimus vices nostras, dantes eidem plenam et liberam potestatem ordinandi, faciendi negotia supradicta, justitiam exhibendi, pacem reformandi, statuta statuendi, et consuetudines corrigendi, emendandi, abrogandi, revocandi, permutandi, escambiandi, recompensationes faciendi de factis et transgressionibus quorumque senescallorum, ballivorum vel ministrorum nostrorum, vel aliorum quorumcumque contra nos vel quoscumque, inquirendi et emendas faciendi, fieri et recipiendi de delictis, nomine nostro; ballivos nostros et constabularios quoscumque mutandi et alios constituendi; interpretandi, declarandi, compota audiendi, castra nostra tradendi et ballivias committendi, municiones auementandi vel minuendi, emendandi vel moderandi quascumque condiciones et privilegia praedecessorum nostrorum vel aliorum universa et singula, faciendi quae honori nostro et commodo ac patriae, ad tempus vel perpetuitatem, viderit expedire, etiamsi mandatum vel potestatem exigant specialem; quae nos pro bono nostro et patriae, si ibidem praesentes essemus, facere valeremus ac ratum et firmum perpetuo habituri pro nobis et haeredibus nostris quidquid per ipsum factum fuerit in praemissis et singulis praemissorum; litteras, quas quibuscumque super hoc concedet, eandem vim decrevimus obtinere ac si sigillo nostro proprio signarentur: et ideo vobis mandamus, quatenus eidem Rogero sitis obedientes, intendentes et respondentes in omnibus, tanquam nobis. In cujus rei testimonium has litteras nostras fieri fecimus patentes. Datum apud Herbes, XXIII die novembris, anno regni Domini Regis patris nostri L quarto.

Historiae monasterii S. Severi libri X, ed. du Buisson, i, pp. 246–7

Internal Exiles: Exclusion from the Fourteenth-Century English Court and Kingdom

JAMES BOTHWELL

During the Middle Ages, the English upper classes and those in power over them used geographical movement as a key index by which they could register their respective concerns.¹ We see this most clearly in those who were either forced to leave, or who left by choice, the English king's dominions during the later medieval period. From the earl of Norfolk fleeing England after the 1075 revolt to the duke of Exeter's escape to the Continent in the early 1460s, voluntary or forced foreign exile was a powerful statement either of the intent of the individual or of those in charge. However, there is an equally potent, though far less well examined, form of 'geographical statement' connected with the later medieval nobility and gentry: the situation arising when an individual fell out of favour with the king, court and/or those in power, but remained, or had to remain, in the area under the English king's control – either in England itself or in lands the king ruled elsewhere.² After all, though a few high-profile nobles – most notably, Henry Bolingbroke, the future Henry IV – successfully returned from foreign exile, most of those returning found their felicity transient at best. Whether Thomas Becket's return to Canterbury in 1170, or Henry VI's reappearance during the Adepton crisis in 1470–1, most such homecomings contained a rather obvious 'worm in the bud', which soon broke out. That said, if by the exercise of free will, by necessity or by force, those outside royal, governmental and/or political favour remained within the king's dominions (if not always England

¹ The issue of exile more generally is still somewhat neglected by English medieval historians. See K. F. Meredith, 'The Penalty of Banishment in Medieval France and England' (unpublished PhD dissertation, University of Virginia, 1979); W. R. Jones, 'Sanctuary, Exile and Law: The Fugitive and Public Authority in Medieval England and Modern America', in W. R. Jones *et al.*, eds, *Essays on English Law and the American Experience* (Arlington, TX, 1994), pp. 19–41; J. S. Bothwell, *Falling from Grace: Reversal of Fortune and the English Nobility, 1075–1455* (Manchester, 2008), ch. 4. The most recent examination of exile is the 'Exile and Return' issue of *Études écossaises* (13, 2010), though focused mostly on the post-Reformation period. I would like to thank the University of Leicester for study leave to complete this contribution.

² Though the idea of 'internal exile' has been discussed for the Jewish community: R. B. Brown and S. McCartney, 'The Internal Exile of Medieval English Jewry', *The Medieval History Journal*, 6 (2003), pp. 55–74.

itself), things could be quite different. While in some ways such individuals had publically 'opted out', or been forced out, of the right to help govern the kingdom, they were still on the stage, or at least in the wings, and therefore could never be entirely discounted.

The fourteenth century offers a useful case study of the idea of 'internal exile' in the later Middle Ages. During this period there were an unusually large number of cases of official and unofficial internal exile, often due to the changing fortunes of the various factions within the royal court (e.g. 1308, 1310, 1312, 1316, 1318, 1322, 1326–7, 1328, 1330, 1340–1, 1376–7, 1388, 1389, 1397, 1399); moreover, parliament and other councils played an increasingly prominent role in the process of exclusion from the royal court, king's council and/or the king's presence, mainly due to the gradual expansion of their political powers. We therefore have more detail from the records these bodies produced about the circumstances of exclusion, as well as what internal exiles did while they were out of favour, than we do from earlier centuries. This case study, then, will help show how different types of internal exclusion impacted upon the life of the kingdom at the centre and in the localities. In what follows we shall look at those officially and unofficially excluded from medieval England's political 'centre stage', examining greater and lesser members of the ruling class, as well as the places to which they were internally exiled. We shall also examine how the relative strength of kings tended to affect the type of internal exile used at any given point in their reigns. Finally, taken as a whole, we will see how cases of internal political exclusion in the fourteenth century helped further define the still somewhat amorphous idea of the 'royal court',³ and 'who was on the inside', by showing who were chosen, or chose, to be excluded from power at the highest level of the kingdom, and why.

So who were these 'internal exiles' of fourteenth-century England and why were they excluded from the centre of power? What made them unacceptable to political society at the highest level? Two broad categories of those 'on the outside' present themselves when dealing with fourteenth-century politics: official and unofficial, and within the latter grouping, two further categories, forced and voluntary. While the latter subdivision is not necessarily mutually exclusive, it does make for two fairly distinct types of unofficial internal exile. Each type of excluded person was, moreover, demonstrably 'out of court' for a reason or another, whether simply from the king's presence or, at the other end of the spectrum, from his kingdom as well.

First, there is the issue of officially enforced internal exile. This, of course, is not the same as outlawry, which tended to be used on the lower orders of society

³ Malcolm Vale, *The Princely Court: Medieval Courts and Culture in North-West Europe, 1270–1380* (Oxford, 2001), p. 16.

by the later Middle Ages, and is therefore not relevant to the present study.⁴ By the early fourteenth century, officially arranged internal exile from the court, royal council and/or the king's presence was a punishment increasingly used within the highest reaches of the king's government.⁵ The process was frequently authorized either by parliament or by an elite assembly or groups acting in parliament's place, and, notably, was often initiated by critics of the royal government. In other words, those arranging official internal exile for their enemies made sure the power of parliamentary, quasi-parliamentary, or conciliar authority was behind them. During the first crisis of Edward II's reign, in 1307–8, Hugh Despenser, Nicholas Segrave, William Bereford, William Ynge, 'et duos alios', all royal councillors connected with the problematic royal favourite Piers Gaveston, were, upon the king's oath at a baronial meeting in Northampton, ordered to be removed both from the king's presence and from his council in the next parliament.⁶ It was demanded that 'they should be banished as deceivers of the king and traitors to the realm, or else that they should be removed immediately and utterly from the king's presence and council'.⁷ Though in this case, as in some others, the removal does not seem actually to have taken place, it was an indication of the significance of the punishment that it was being threatened in such circumstances.

Three years later, in 1311, along with the second exile of Gaveston,⁸ the Ordainers called for the exclusion of Henry Beaumont and Isabelle de Vescy, his sister, from council and court, and the resumption of his grants and the transference of the custody of the Isle of Man to 'a good Englishman'.⁹ Though they were considered 'less powerful sinners' than Gaveston,¹⁰ the pair's expulsion was nonetheless due to the harm their advice, as backers of Gaveston, was thought to have done to the king's interests. In the case of de Vescy, it was stated that she 'should go to her house [...] without ever returning to the court to stay there'.¹¹ Beaumont was to be:

⁴ The most notable exceptions were the Folvilles and Coterels. For outlawry, see R. B. Pugh, 'Early Register of English Outlaws', *American Journal of Legal History*, 27 (1983), pp. 319–29; Maurice H. Keen, *The Outlaws of Medieval Legend* (London, 1987); Graham Seal, *The Outlaw Legend: A Cultural Tradition in Britain, America and Australia* (Cambridge, 1996); *Outlaws in Medieval and Early Modern England: Crime, Government and Society, c. 1066–c. 1600*, ed. John C. Appleby and Paul Dalton (Farnham, 2009); Melissa Sartore, *Outlawry, Governance and Law in Medieval England* (New York, 2013).

⁵ It is, at times, difficult to differentiate between the three (king's presence, the royal court, and the king's council) going from the records, but the phrases were mainly used in conjunction or interchangeably, so hereafter the three designations will come under the phrase 'exclusion from the royal court' or versions thereof.

⁶ *Annales Paulini*, ed. W. Stubbs (2 vols, London, 1882), i, p. 264.

⁷ *The Chronicle of Lanercost, 1272–1346*, ed. H. Maxwell (Glasgow, 1913), p. 187.

⁸ See below, pp. 139, 148, 150.

⁹ John R. Maddicott, 'Beaumont, Sir Henry de (c. 1280–1340)', *ODNB*; also see R. M. Haines, *King Edward II* (Montreal, 2003), p. 78.

¹⁰ James Conway Davies, *The Baronial Opposition to Edward II: Its Character and Policy* (London, 1967), p. 370.

¹¹ *English Historical Documents*, vol. 3: 1189–1327, ed. H. Rothwell (London, 1975), pp. 533–4.

removed from the king's council for ever and that he come no more near the king anywhere – unless it be at the common summons of parliament or in war if the king wishes to have him – save by common assent of the archbishop, bishops, earls and barons and that in full parliament.

If this was contravened, there was a threat of forfeiture. Around this time, some household officers and others affiliated with the court – including John Hotham, John Cherleton, William Vaux, John de Sapy, John de la Beche and Gerard de Salveyn, as well as John and Roger Knokyn, Ralph Waltham and Richard de la Garderobe – were also made by the Ordainers to leave court briefly, or to give up their various offices (which frequently, in practice, meant the same thing).¹² After Gaveston's execution in June 1312, exclusions were again put forward ('excludi a familiaritate Regis') in the *Rationes baronem* against Edmund de Mauley, Robert Darcy, and a number of Gaveston's followers and fellow countrymen including those of 'le linage P. de Gaveston et touz les bascles'.¹³ Although the exclusions against Beaumont and Vescy were ultimately rescinded in October 1313,¹⁴ as were a number of others around this time, the general thrust of these expulsions from court, both those in 1308 and the much wider set in 1311 and 1312, was to try to break apart Gaveston's powerbase around the king. More importantly, due to the growing power of parliament and other official or semi-official assemblies of magnates, gentry and others, exclusion from the royal court, or at least the threat thereof, was becoming an increasingly important punishment to be taken into consideration when one embarked upon a curial career.

Notably, there were far fewer attempts at *official* internal exile from the royal court during the remainder of Edward II's reign (though the few exceptions were important, as we will see); the reduction was probably because the decisive defeat of the Contrariant forces in 1322, and the power of Isabella and Mortimer's minority government from 1326, rendered such action unnecessary. This limited use of official internal exile continued throughout Edward III's majority, most obviously again due to the stability of Edward's rule overall and the lack of 'make or break' political crises. It took the events surrounding the Good Parliament of 1376, and in particular the mistress of Edward III, Alice Perrers, to again bring the use of official internal exclusion to the fore. Perrers had gradually become one of the most important of a circle of courtiers around the aging king, receiving

¹² *Chronicles of the Reigns of Edward I and Edward II*, ed. W. Stubbs (2 vols, London, 1882–3), ii, p. 40; *Munimentia Gildhallae Londoniensis*, ed. H. T. Riley (London, 1860), ii, pp. 2, 685; see also *Chronicles of the Reigns of Edward I and II*, ed. W. Stubbs, vol. 1: *Annales Londonienses* (London, 1882), p. 200. For the lists of individuals given in various chronicles, see Andy King, 'Thomas of Lancaster's First Quarrel with Edward II', in W. Mark Ormrod, ed., *Fourteenth Century England III* (Woodbridge, 2004), pp. 34–9.

¹³ R. A. Roberts, 'Edward II, The Lords Ordainer and Piers Gaveston's Jewels and Horses', *Camden Miscellany XV*, 3rd ser. 41 (London, 1929), p. 17; Phillips, *Edward II*, p. 200.

¹⁴ *CPR, 1313–17*, p. 29.

large amounts of land and money from him both directly and indirectly.¹⁵ As a result, when her fall came in the summer of 1376, Perrers was made to swear upon the archbishop of Canterbury's cross that she would keep away from the king and court.¹⁶ Given the less extensive nature of the charges against her compared with those laid against Richard Lyons and William Latimer (who were charged with numerous counts of financial mismanagement as well as, in Latimer's case, the loss of Becherel and Saint-Sauveur to the French through negligence), it was unsurprising that she should be so punished – rather than receiving a prison term such as were handed out to Lyons and Latimer.¹⁷ Moreover, although Perrers was politically problematic, and needed to be kept out of the royal court, she also had powerful allies in both the old king and John of Gaunt – so her critics could not be seen to be too harsh.

When similar issues concerning courtiers came up ten years later during the political crises of 1386–8, exile from court was again used as an option for graded punishment. After the critics of Richard II, the Appellants, took control of the royal court in late 1387, a number of the lesser royalists, including the knights Thomas Camoys and Thomas Clifford, were officially forced to abjure the court.¹⁸ According to Higden's *Polychronicon* this list also included the knights Baldwin de Bereford, Richard de Abbersbury, John Worth, John Lovell, William de la Zouche, John Beaumont, Hugh Burnel, Aubrey de Vere, and Thomas Blount, as well as Lady Poynings, Lady Mohun and Lady Molyns.¹⁹ In the words of the *Westminster Chronicle*, the men 'compelled to abjure the court [...] were illustrious names in the chivalry of the day, men of repute who were distinguished by many virtues'.²⁰ The *St Albans Chronicle* refers to them as being 'banished from the king's court', though 'they were not altogether expelled, but were to appear before the

¹⁵ J. S. Bothwell, 'The Management of Position: Alice Perrers, Edward III and the Creation of a Landed Estate, 1362–77', *JMH*, 24 (1998), pp. 31–51.

¹⁶ Some commentators simply have her banished from the king's council: *Chronicon Angliae*, ed. E. M. Thompson (London, 1965), pp. 99–100; *Anonimale Chronicle, 1333 to 1381*, ed. V. H. Galbraith (Manchester, 1927), pp. 91–2. George Holmes does note the story that she was forced to swear an oath by Lancaster to stay away from the king: *The Good Parliament* (Oxford, 1975), p. 137.

¹⁷ For Perrers' exile from court, see also W. Mark Ormrod, 'The Trials of Alice Perrers', *Speculum*, 83 (2008), pp. 366–96, at 370–1. According to Ormrod, the banishment was by the pressure of the commons and the advice of the king's council, though even if this was the case, it still comes within our definition of 'official internal exile' due to the role of the king's council and the monarch's authority.

¹⁸ *The St Albans Chronicle: The 'Chronica maiora' of Thomas Walsingham*, vol. 1: 1376–1394, ed. J. Taylor, W. R. Childs and L. Watkiss (Oxford, 2003), pp. 848–9.

¹⁹ *Polychronicon Ranulphi Higden Monachi Cestrensis*, ed. C. Babbington and J. R. Lumby (9 vols, London, 1865–86), ix, p. 116. For these individuals see J. Leland, 'The Abjuration of 1388', *Medieval Prosopography*, 15 (1994), pp. 115–38. For abjuration more recently, see J. Freeman, 'He abjured the realm of England, never to return', in P. Horden, ed., *Freedom of Movement in the Middle Ages* (Donington, 2007), pp. 287–304.

²⁰ Under the subtitle *Curiam abjurare*, in *The Westminster Chronicle, 1381–1394*, ed. L. C. Hector and B. F. Harvey (Oxford, 1982), pp. 230–1.

next parliament'.²¹ As for the women, listed under the subheading *femine expulse*, the reason given was that 'they served no useful purpose at court'. Nonetheless, they were all persons who had fallen foul of the new order, but were not deemed to have done anything serious enough to warrant arrest – unlike Simon Burley, William Elham, John Beauchamp of Holt, John Salisbury, Thomas Trivet, James Berners, Nicholas Dagworth, Nicholas Brembre and others, who ended up either being executed or imprisoned.²² Though Camoys, Clifford and companions were not forced out of court for their royalist sympathies alone,²³ most would have had to be removed if the Appellants were to succeed in pushing through their reforms. According to Chris Given-Wilson, 'The Appellants spread their net wide: they were not leaving anything to chance.'²⁴

For more problematic official exiles, it appears to have been thought wiser throughout our period to send the offenders not merely away from the court and king's presence, but outside of the kingdom of England – yet still keeping them within the king's territories and therefore theoretically within reach. This was a clear distinction, though one not usually noticed in modern writing on medieval exile. After all, by moving adversaries outside of the borders of England but keeping them within the lands under the English king's jurisdiction, the king – or, more often, those acting in his name – retained rights and powers over the individual or individuals concerned. Often, this type of exile took the form of simply excluding the individual(s) from the realm of England alone (rather than from all the English king's dominions). This could mean that, especially in the case of favourites exiled by the king's critics, they would find somewhere else under the control of the English Crown to stay while out of favour. For example, when the Despensers were banished in the summer of 1321, a meeting of the established nobility exiled the father and son from the realm of England alone:

Wherefore we peers of the land, earls and barons, award in the presence of the king that Sir Hugh le Despenser, the son, and Sir Hugh, the father shall be disinherited for ever as disinheritors of the crown and enemies of the king and his people, and that they shall be exiled from the realm of England, without returning at any time, except by assent of the king and of the prelates, earls and barons, given in parliament duly summoned.²⁵

²¹ Under the subheading *Eiecti de curia regis*, Walsingham lists as banished 'Lords Zouche of Harringworth, Burnell, and Beaumont, Aubrey de Vere, and the knights Baldwin Bereford, Richard Abberbury, John Worth, Thomas Clifford and John Lovell': *St Albans Chronicle*, pp. 848–9.

²² *Ibid.*, pp. 850–1.

²³ Chris Given-Wilson, 'Richard II and the Higher Nobility', in Anthony Goodman and James L. Gillespie, eds, *Richard II: The Art of Kingship* (Oxford, 1999), p. 115.

²⁴ Chris Given-Wilson, *The Royal Household and the King's Affinity: Service, Politics and Finance in England, 1360–1413* (New Haven, 1986), p. 164.

²⁵ *CCR*, 1318–23, p. 494; for various versions of the charges, see John R. Maddicott, *Thomas of Lancaster* (Oxford, 1970), pp. 282–8. See also *Parliamentary Texts of the Later Middle Ages*, ed. and trans. N. Pronay and J. Taylor (Oxford, 1980), pp. 155ff.

Hugh Despenser the elder may have spent his time in Poitou,²⁶ outside England but within the English king's dominions on the Continent. Hugh Despenser the younger remained in the sea lanes between England and France, threatening shipping – yet notably, by staying there, he remained under the protection of the sailors of the Cinque Ports.²⁷

Although initiated by the king himself, a more defined case of exile outside of the kingdom of England yet within the English monarch's dominions is the case of Lord John Cobham. Cobham had been one of the more prominent supporters of the young Richard II, but by the later 1380s had shifted to the role of critic, taking part in the Merciless Parliament.²⁸ As a result of his pro-Appellant stance, during the events of 1397–8, while Cobham was arrested and initially sentenced to be hanged, his punishment was commuted to exile on the Isle of Jersey, most definitely out of the royal court, but not out of the king's area of control.²⁹ It is notable, however, that a Jersey retirement was not particularly desired by Cobham, as according to Adam of Usk:

Whereupon the duke of Lancaster said to him 'Be grateful to the lord king for your life.' 'That I shall not do', replied the said lord, 'for in truth he has prolonged my life, whereas I had expected to enjoy eternal life sooner than I now shall.'³⁰

Others during Richard II's reign were exiled to towns in Ireland in the English Pale, such as the justices who, in 1387, had answered Richard's famous questions about the nature and scope of the royal rights of the monarch and, as a result, thereafter became targets for the Appellant regime.³¹ Robert Belknap, Roger Fulthorp, John Cary, John Holt, William Burgh, and John Lockton were originally sentenced to death, but were thereafter imprisoned and sent into exile in either Drogheda or Waterford.³² Adam of Usk refers to the men as being 'deported' ('deportarunt'), while Walsingham says they were 'condemned [...] to exile' ('dampnati sunt [...] exilio').³³ It was even thought an option to banish Alice Perrers to Ireland in the aftermath of the Good Parliament of 1376, at least

²⁶ Phillips, *Edward II*, p. 394.

²⁷ *Vita Edwardi Secundi*, ed. and trans. W. R. Childs (Oxford, 2005), p. 197.

²⁸ J. Allen, 'Cobham, John, Third Baron Cobham of Cobham (c. 1320–1408)', *ODNB*; G. E. Cokayne *et al.*, *The Complete Peerage* (12 vols, London, 1910–59), iii, p. 344.

²⁹ *Rot. Parl.*, iii, p. 382.

³⁰ *The Chronicle of Adam Usk, 1377–1421*, ed. and trans. Chris Given-Wilson (Oxford, 1997), p. 39.

³¹ See S. B. Chrimes, 'Richard II's Questions to the Judges', *Law Quarterly Review*, 72 (1956), pp. 365–90.

³² *Rot. Parl.*, iii, pp. 238–44; *CCR*, 1385–9, pp. 515–16; TNA, SC8/32/1570. Belknap and Holt were sent to Dromore, Fulthorp and Burgh to Dublin, and Cary and Lockton to Waterford: *A Complete Collection of State Trials and Proceedings for High Treason and other Crimes and Misdemeanors*, compiled by T. B. Howell *et al.* (London, 1742), p. 14n.

³³ *Chronicle of Adam Usk*, ed. Given-Wilson, p. 13; Walsingham, *St Albans Chronicle*, pp. 852–3.

according to the chronicler Thomas Walsingham, because her husband William de Windsor was on the king's service there at the time.³⁴

Whether sending someone to Ireland, Jersey, Gascony, or elsewhere, this type of exile was often the best way to keep powerful, problematic characters out of the way, yet still under some form of control – a way to keep your enemies close, though not too close. Perhaps the most complex, and long-running, case of 'internal external exile' was that of Piers Gaveston. The first of the three exiles of Gaveston was by Edward I himself, in order to get him away from his son, the future Edward II. At Lanercost priory in February 1307, Gaveston was made to swear on the body of Christ that he would abjure the realm before 30 April. He ended up in Ponthieu, one of the English king's possessions in northern France – though initially this order had named Gascony as the place of exile.³⁵ The order of exile was unambiguous; nonetheless, it made clear that Gaveston should stay within lands held by the king of England. However, this exile was short-lived, Gaveston being recalled as soon as Edward I had died. The second of Gaveston's exiles, in the summer of 1308, was more obviously the result of his continued abrasive attitude towards the established nobility under the new king, Edward II. It was also obvious by a subsidiary order that the barons had little faith that the king or Gaveston would live up to their word without reminder. On 18 May 1308, the following entry was recorded on the *Patent Rolls*: 'The king undertakes not to postpone the banishment of Peter de Gaveston from the kingdom, after the appointed date.'³⁶ This statement was backed up the archbishop of Canterbury with an order of Gaveston's excommunication if he were ever to return.³⁷ Gaveston's baronial critics then thought about sending the royal favourite back to Ponthieu. But, in the spring of 1308, Ponthieu was given to Edward's new queen, Isabella, to help with her personal expenses, and, according to Phillips, the county 'was soon full of French and English officials surveying its value'.³⁸ It was therefore not the ideal place for an exile from the royal court. Rather, still within Edward II's possessions, Gaveston was granted lands in Aquitaine worth £2,000 *per annum*, with an eye to his spending his exile there. However, due to the animosity of the French king, Philip IV, to Gaveston's close relationship with his son-in-law, Edward II, it was thought unwise to take up the appointment in person. Instead, at the last minute, another change was made, and he was made the king's lieutenant in Ireland for the duration of his second exile.³⁹

³⁴ Ibid., pp. 46–8.

³⁵ CCR, 1302–7, pp. 526–7. Unofficial records such as Guisborough and Trokelowe have Gaveston exiled forever: Pierre Chaplais, *Piers Gaveston: Edward II's Adoptive Brother* (Oxford, 1994), p. 22.

³⁶ CPR, 1307–13, p. 71.

³⁷ J. S. Hamilton, *Piers Gaveston, Earl of Cornwall, 1307–1312: Politics and Patronage in the Reign of Edward II* (Detroit, 1988), p. 53.

³⁸ Phillips, *Edward II*, p. 150.

³⁹ Maddicott, *Thomas of Lancaster*, pp. 83–4, 88; Hamilton, *Piers Gaveston*, pp. 55–6.

In contrast to the first two exiles, in his third and final exile, with a note of exasperation being sounded, Gaveston was exiled from *all* of the king's possessions as a result of the Ordinances of 1311, clause 20:

We ordain, by virtue of the commission our lord the king granted us, that Piers Gaveston as the evident enemy of the king and of his people be completely exiled as well from the kingdom of England, Scotland, Ireland and Wales as from the whole lordship of our lord the king overseas as well as on this side, forever without ever returning; and that he leave the kingdom of England and all the aforesaid lands and absolutely all the lordship of our lord the king between now and the feast of All Saints next to come.⁴⁰

With harsh penalties now incorporated in the document itself if Piers did try to come back, this was a strong indication that not only did his critics want an end to Gaveston's presence, but that in using exile they now clearly differentiated between lands under the king's control, and those outside of it.

Unofficial internal exile was obviously a less well-defined concept in the Middle Ages. Nonetheless, it constitutes an important grouping of those excluded from the royal court in the fourteenth century. These were individuals who had fallen from favour and disappeared from court, council and/or the king's presence, either by force or otherwise, but with little if any official procedure having been followed. The majority of these 'unofficial exiles' during the fourteenth century came during Edward II's later reign, and the early decades of Edward III's. These were periods of relative monarchical strength, and therefore not natural times for critics of the monarch in particular to use official procedures to exclude undesirables from the king's presence and/or the royal court. Some such exclusions were, as with official internal exile, forced by various critics of the royal administration. In particular, Edward II's 1316–19 favourites, Roger Amory, Hugh Audley and William Montagu, experienced unofficial internal exile from life at court after being forced out by the earl of Lancaster. While never mentioned outright in the Treaty of Leake of August 1318, which aimed to reconstitute the royal household, it has been argued that the exclusion of Amory, Audley and Montagu from court – men described by one source as even worse than Gaveston – is implied by the confirmation and acceptance in the treaty of the Ordinances of 1311.⁴¹ Thereafter, in the York parliament of October 1318, a peace was arranged between Lancaster and the three men, in effect removing them from court. Under this agreement, the men were to pay *c.* £1,700 – 906 marks 7s 4d (Amory); 1,229 marks 6s 6d (Audley); and 413 marks 4s (Montagu) – in order to regain the earl's good favour and protect their own estates.⁴² This was a fairly open admission of past aggression towards the earl, perhaps in particular because Lancaster

⁴⁰ *English Historical Documents*, iii, ed. Rothwell, p. 533.

⁴¹ *Flores Historiarum*, ed. H. R. Luard (London, 1890), iii, p. 178; Phillips, *Edward II*, p. 321.

⁴² *CCR, 1318–23*, pp. 109–10; Maddicott, *Thomas of Lancaster*, p. 233; Phillips, *Edward II*, p. 331.

believed that Amory and Montagu had been conspiring against his life.⁴³ More importantly for the longer term, it was a tacit recognition that Amory, Audley and Montagu could no longer continue in a royal court still partly dominated by Lancaster. The *Vita Edwardi Secundi* announces the fact of their disappearance rather laconically: 'there is no longer anyone to incite the king to do wrong, because his close supporters [*privita familia*] who were hostile to the barons have now left the court.'⁴⁴ In November 1318, Montagu, having been sacked from his position of steward of the household,⁴⁵ was made seneschal of Gascony and Aquitaine and governor of Île d'Oléron, a post which removed him from court, and in which he would die less than a year later.⁴⁶ Audley and Amory, spending at least part of their time on the Berwick campaign against the Scots in the summer of 1319,⁴⁷ remained away from court as well,⁴⁸ and were effectively side-lined by the subsequent rise of the Despensers. As was seen later, this relatively quiet removal from the royal court was to have longer-term consequences for the families of Audley and Amory in particular, both in terms of their landed estates, and their ultimate move towards the Contrariant cause.⁴⁹

Perhaps the most famous unofficial internal exile of the early fourteenth century, however, was a noble who used absence from court to make political points, rather than being pushed out as such: Thomas, earl of Lancaster. Lancaster's voluntary absences from the king's court primarily took place in three periods: late 1308–early 1310; from mid-1316 until his death in March 1322; and, in a more subtly expressed self-exile, between Gaveston's death in 1312 and the climax of Lancastrian power in early/mid-1316. The case of 1308–10, though there has been some debate, was mainly connected with the resumed rise of Piers Gaveston at court.⁵⁰ Whatever the reason, Lancaster retired to conduct an itineration of his estates from November 1308 till March 1310 (including Kenilworth, Tutbury, Melbourne and Somerton), and material royal favour to him went into abeyance.⁵¹ Similarly, in mid-1316, after leading the governing council, Lancaster again withdrew from court, for what was in essence the last time; the last five

⁴³ J. R. S. Phillips, *Aymer de Valence, Earl of Pembroke: Baronial Politics in the Reign of Edward II* (Oxford, 1972), p. 131.

⁴⁴ *Vita Edwardi Secundi*, ed. Childs, p. 157.

⁴⁵ Notably Montagu disappears from witness lists in late July: *The Royal Charter Witness Lists of the Reign of Edward II (1307–26)*, ed. J. S. Hamilton (Kew, 2001), pp. 139–40.

⁴⁶ Phillips, *Aymer de Valence*, p. 174.

⁴⁷ *Ibid.*, p. 185.

⁴⁸ Audley and Amory disappeared from witness lists by 1320: Jeffrey Hamilton, 'Charter Witness Lists for the Reign of Edward II', in N. Saul, ed., *Fourteenth Century England I* (Woodbridge, 2000), pp. 1–20, at 14.

⁴⁹ Both took part in the 1322 rising, with Audley imprisoned and Amory dying of wounds received at Boroughbridge: Natalie Fryde, *The Tyranny and Fall of Edward II 1321–1326* (Cambridge, 1979), pp. 62–3.

⁵⁰ For Lancaster's absence from courts, see Phillips, *Edward II*, p. 152; King, 'Thomas of Lancaster', pp. 36–40.

⁵¹ Maddicott, *Thomas of Lancaster*, pp. 92–3, 341–2.

years of his life were spent moving around his estates, though he passed most his time in his northern stronghold of Pontefract, along with Tutbury, Kenilworth and Leicester.⁵² Whether this indicates a quiet acknowledgment of his own inadequacies as a political leader, or that he no longer believed in Edward II's ability to govern effectively,⁵³ especially with the rise of Audley, Amory and Montagu, is arguable. Nonetheless, from this point on Thomas never moved further south than his *caput honoris* of Leicester, the most southerly major Lancastrian holding. Finally, there was the less overt self-exile between Gaveston's death in 1312 and the Lancastrian's rise to dominance of the council in the middle of the decade. Between these years, while not primarily keeping himself in Pontefract as he would during his last period of exile, Thomas was only once in London and twice in Westminster.⁵⁴ Although he was politically active at this time, and in contact with the king, it is notable that he was spending far shorter periods in the capital than he had been in the latter part of 1310 and 1311.

This preponderance of forced and voluntary unofficial exile over official internal exile continued into early decades of Edward III's reign. In this period in particular, unofficial exile was increasingly used by those in power (either the king or those ruling in his stead) against adversaries. In the first years of Edward's reign, events surrounding the 1328–9 Bedford Rebellion against the minority regime produced many voluntary, yet still encouraged, exits from court. While some of the rebels were sent, or went, into foreign exile – including Henry Beaumont, Thomas Wake and Thomas Rocelyn – other key men remained in the country but were forced to arrange large bonds with Isabella and Mortimer as a guarantee of future good behaviour.⁵⁵ That said, some of the most important rebels found themselves gradually edged out of court. The most notable of these included: Thomas of Brotherton, Earl of Norfolk, who 'found himself out of favour at court, and witnessed only a few charters in these years'; Edmund, Earl of Kent (though, as Scott Waugh notes, he did accompany 'Philippa on the way to her coronation' – which may have been a way of getting him out of the way); and Henry of Lancaster himself, who had begun to avoid royal councils by mid-1328, and was effectively out of court thereafter.⁵⁶ Moreover, though there are well-known dangers in relying too much on royal charter witness lists, they

⁵² For his movements from mid-1316 until his death in 1322, see *ibid.*, appendix 3, pp. 344–7.

⁵³ Phillips, *Edward II*, p. 276, n. 221; more generally, see Maddicott, *Thomas of Lancaster*, pp. 186–9.

⁵⁴ *Ibid.*, pp. 343–4.

⁵⁵ CCR, 1327–30, pp. 528–30. For a recent discussion of the Bedford Rebellion, see W. Mark Ormrod, *Edward III* (New Haven, 2011), pp. 75–8.

⁵⁶ Scott L. Waugh, 'Thomas, First Earl of Norfolk (1300–1338)', 'Edmund, First Earl of Kent (1301–1330)', 'Henry of Lancaster, Third Earl of Lancaster and Third Earl of Leicester (c. 1280–1345)', all in *ODNB*. With Lancaster, there is some question of illness and/or blindness, but he was well enough to take part in royal commissions in the 1330s: see *CPR*, 1330–4, *passim*.

do give some indication of those around, and closest to, Isabella and Mortimer.⁵⁷ It is fairly obvious from these that the three key players mentioned above began to spend less and less time at court in the years on either side of the Bedford Rebellion. Lancaster, for instance, was present for 50% of royal charters witnessed in 1327 and 36.6% in 1328, before a substantial drop to 12.1% in 1329, with a slight recovery to 26.4% in 1330.⁵⁸ Similarly, although they were to submit to the minority regime after the rebellion, both Thomas, Earl of Norfolk, and Edmund, Earl of Kent, witnessed far fewer charters in court as the minority continued: for Norfolk, 33.3% (1327), 6.9% (1328), 10.3% (1329), and 10% (1330); for Kent, 39.7% (1327), 25.7% (1328), and 15.5% (1329).

Other potential unofficial internal exiles were those who had backed the minority regime, and who were therefore in a problematic position after 1330. However, in this case, though royal grants were not as generous as has been thought to the established nobility in particular, there was little concentrated effort to ostracise or force individuals out of court; indeed, one might say that the king adopted quite the opposite approach, especially considering his outwardly inclusive policy after 1330.⁵⁹ More notable are those who had fell out with the regime as a result of the crisis of 1340–1, and in particular over issues of war funding and home administration.⁶⁰ Though not officially banished, these individuals were gradually left out of events at the centre, usually through acts of omission by the king and administrators than anything more active. Nonetheless, it was fairly evident that these men were no longer ‘on the inside’. As a result of his stand of 1340–1, William Clinton, Earl of Huntingdon, slipped from view in terms of presence at court and receipt of offices and grants – though illness may have been an issue here.⁶¹ Richard Fitz Alan, Earl of Arundel, was another of the king’s critics and a backer of Archbishop Stratford. Indeed, Arundel had incurred the king’s wrath to such a degree that he felt it necessary to secure papal support against royal anger.⁶² Both Huntingdon and Arundel received a very limited number of grants after 1340–1,⁶³ and both were omitted from the Order

⁵⁷ The following are from Chris Given-Wilson, ‘Royal Charter Witness Lists, 1327–1399’, *Medieval Prosopography*, 12 (1991), pp. 35–94, at 61–2.

⁵⁸ At least some charters were presumably witnessed after the Nottingham Coup of October 1330.

⁵⁹ Though his patronage was not always spread evenly between ‘new’ and ‘established’ nobility after 1330 (see J. S. Bothwell, *Edward III and the English Peerage* (Woodbridge, 2004), conclusion), charter witnessing post-1330 was fairly balanced: Given-Wilson, ‘Witness Lists’, pp. 63–4.

⁶⁰ B. Wilkinson, ‘The Protest of the Earls of Arundel and Surrey in the Crisis of 1341’, *EHR*, 46 (1931), pp. 177–93, esp. 181–93.

⁶¹ Bothwell, *Edward III and the English Peerage*, appendices 3–5; Ormrod, *Edward III*, p. 367n.

⁶² *Calendar of Papal Registers Relating to Great Britain and Ireland*, vol. 2: 1305–1342, ed. W. H. Bliss (London, 1895), p. 8.

⁶³ Bothwell, *Edward III and the English Peerage*, appendices.

of the Garter at its creation in 1348.⁶⁴ Similarly, William Warrene, Earl of Surrey, the third key player of the 1340–1 crisis, played little part in the subsequent events of the reign, and received little royal patronage; notably, his witnessing of charters at the royal court dropped dramatically after 1341, and did not recover until a modest revival a year or so before his death.⁶⁵ There is a case to be made, then, that all three men, as elders of the kingdom, felt that they had to say something in 1340–1, and that, given their age and position, they had nothing to lose in so doing. Though they can be seen as being forced into internal exile by the regime's adverse response to their political stance, all can also be viewed as voluntary internal exiles in their way, choosing to absent themselves from the king's presence while yet remaining within his dominions. Barring perhaps John of Gaunt's somewhat less clear-cut removal from the court in the late 1370s, these were among the period's last high-profile cases of such politically motivated voluntary absence.

As we have seen, the use of internal exile from the royal court, king's council and/or the king's presence, often but not always as forced by royal critics, fluctuated in the fourteenth century between official and unofficial, depending mainly of the strength of the monarch at the time. Though there were exceptions, official internal exile tended to be used when the monarchy was in a weakened position, and royal critics were on the offensive. Unofficial exile, on the other hand, was used when the monarch was more strongly placed, and critics of the king's government, as well as the king himself and his allies, needed a way to get adversaries out of the way. But there was then the question of what internal exiles did while they were on the 'outside'. In this, despite the differing levels of authority behind the various banishments, we find much similarity. Some of those internally exiled, of course, never appear to have left the royal court in the first place – such as Henry Beaumont, who was banished from Edward II's court in 1311 but was still at court thereafter, if keeping a low profile, 'though according to the Ordinances he should have left it'.⁶⁶ The *Vita Edwardi Secundi* notes a similar situation with 'Edmund Mauley, and other knights who had lately been in Piers household'.⁶⁷ For such men, a quiet presence at court during their period out of favour was perhaps desirable even though they lacked any real political voice. For others officially internally exiled, a low profile out of court was dictated by the various terms of the exile. On 4 June 1388, Richard Medford was set free from the Tower of London, after which he was ordered to stay away from the royal court, and apparently did so for at least some time, especially as he was not 'listed

⁶⁴ Ormrod, *Edward III*, p. 367n; Juliet Vale, *Edward III and Chivalry: Chivalric Society and its Context, 1270–1350* (Woodbridge, 1982), pp. 89–91.

⁶⁵ Given-Wilson, 'Witness Lists', p. 65.

⁶⁶ *Vita Edwardi Secundi*, ed. Childs, pp. 53–5.

⁶⁷ *Ibid.*, p. 55.

as a clerk of the chapel in the 1389–90 wardrobe account'.⁶⁸ Before his release, though, he had to be bound by men standing surety for his:

good and peaceable behaviour towards the king, realm and people, gainsaying nought that is done or ordered in this parliament, not presenting himself in the king's presence, and sending nought to the king for any business which concerns the king or governance of the realm, but abiding in some dwelling house of his own.⁶⁹

For Medford, then, what was in effect a gagging clause was forced upon him while exiled from court, as well as restrictions upon his movements. Both these types of internal exile were, clearly, expected to remain quiet during their time out of favour with those in power.

More common was the protection or pursuit of one's own interests while out of court. Some internal exiles simply made certain their accounts were settled before leaving court, perhaps to make sure that nothing further could be done to them. This was important in order to ensure they would not be later called to account, especially as they would then often be in a position of some weakness. For instance, when William Montagu was unofficially banished from court in November 1318 by the earl of Lancaster, he quickly settled his accounts upon giving up his post as steward of the royal household and lived out his days in Gascony as seneschal.⁷⁰ On the other hand, Thomas Clifford, the son of Baron Clifford, and a number of other young nobles exiled at this time, decided to spend their time more enjoyably by tourneying on the Continent:

May 18, 1388. Whereas Thomas de Clifford, knight, son of the lord de Clifford, has lately passed over the sea to Calais and there performed jousts and other feats of arms against the king's enemies the French, as requested by the said enemies, the king ratifies what he has thus done and wills that he be not impeached or otherwise troubled therefor, nor William de Beauchamp, captain of Calais, before whom the said Thomas performed the same.⁷¹

By the wording of this, it is clear that although Clifford was away from court, the Appellants' government was keeping an eye on him. Most internal exiles were, however, more proactive in ensuring they had a moderately secure, if not necessarily happy, period outside of court. Between his banishment from court in late 1387, and return to favour as evidenced by his heading of a Sussex peace commission in mid-1389,⁷² Thomas Camoys was mainly involved in holding actions regarding his estates and place in the realm. On 6 December 1387, he was involved in a suit of trespass against Thomas Garsquyn and John Brewes,

⁶⁸ B. Golding, 'Medford, Richard (d. 1407)', *ODNB*; Given-Wilson, *Royal Household*, p. 176.

⁶⁹ *CCR*, 1385–9, p. 414.

⁷⁰ TNA, E37/4 Roll of Montagu, Steward of the Household, 1318; E154/6/4 Inventory of Montagu at Bordeaux, 1319.

⁷¹ *CPR*, 1385–9, p. 447.

⁷² J. L. Leland, 'Camoys, Thomas, Baron Camoys (c. 1350–1420/21)', *ODNB*.

chaplain, in Sussex.⁷³ Then, on 30 March 1388, Camoys, along with a handful of other men, took part in an enfeoffment of various manors in Buckinghamshire, Sussex and elsewhere in southern England.⁷⁴ Finally, on 14 August 1388 he was involved in another suit of trespass against Richard and Simon Rokenham in Surrey.⁷⁵ Camoys, at least, was keeping his hand firmly in his estate affairs during his exile.

Indeed, perhaps a more positive impulse when one was either exiled, or had exiled oneself, from court was to get involved with activities other than politics – especially in the form of building programmes on estates. This helped ensure not only the continued health of the estate in question, and continued promotion of the family name and fame while the noble was in exile, but a more secure refuge in case of further trouble. After the Bedford Rebellion of 1328–9, and before the Nottingham Coup of 1330, Henry of Lancaster, despite having arranged a bond for good behaviour, was definitely on the wrong side of the minority government. Therefore, perhaps unsurprisingly, he put himself to other projects, most notably those connected with where he spent most of the remainder of his life, Leicester. The most important of these was the project which would occupy the rest of his life, the founding in early 1330 of Newarke Hospital in the town centre for fifty of the poor and infirm,⁷⁶ which would be expanded later by his son, Henry of Grosmont.⁷⁷ He also had built a suite of rooms over the main gate of Leicester castle, and ordered the construction of a further set of apartments.⁷⁸ That said, although these projects were mainly begun while Henry of Lancaster was out of favour with Isabella and Mortimer, they appear to have been continued thereafter as a retirement project.

In fact, for the first half of the fourteenth century, it was Thomas of Lancaster, Henry's elder brother, who was the main Lancastrian involved in building while in internal exile. As befitted the most powerful noble in the kingdom, he spent much time during periods out of court developing his estate. Aside from an extensive building programme in Leicester, including work on the castle hall, prison, and expansion of St Mary de Castro,⁷⁹ Lancaster was involved in a number of building projects elsewhere on his estate, including at Lancaster, Kenilworth and Pontefract, as well as Melbourne in Derbyshire and Dunstanburgh. Most of these properties had building work ongoing in the years around

⁷³ *CCR*, 1385–8, pp. 452–3.

⁷⁴ Centre for Buckinghamshire Studies, DX787/9 (online catalogue entry).

⁷⁵ *CCR*, 1385–8, p. 606.

⁷⁶ *CPR*, 1327–30, p. 503; *Calendar of Papal Registers*, ii, ed. Bliss, p. 318.

⁷⁷ A. Hamilton Thompson, *The History of the Hospital and the New College of the Annunciation of St Mary in Newarke, Leicester* (Leicester, 1937), pp. 24–40.

⁷⁸ Levi Fox, 'Leicester Castle', *Leicestershire Archaeological and Historical Society*, 22/2 (1941–2), pp. 127–70, at 142.

⁷⁹ See J. S. Bothwell, 'Making the Lancastrian Capital at Leicester: The Battle of Boroughbridge, Civic Diplomacy and Seigneurial Building Projects in Fourteenth-Century England', *JMH*, 38/3 (2012), pp. 335–57, at 349ff.

Gaveston's death,⁸⁰ when Lancaster's favour with the king at least was receding, and were reinvigorated after the end of his leadership of the royal council in 1316. For instance, Lancaster ordered the building of Dunstanburgh castle in 1313, perhaps as a 'place of refuge in time of need'.⁸¹ Similarly, in 1318 Lancaster had a chapel dedicated to Saint Mary built in the inner bailey of Kenilworth castle, the key Lancastrian stronghold in the Midlands.⁸² This tradition of renovation by the Lancastrians while in internal exile spanned the fourteenth century. At the other end of our period, during John of Gaunt's limited role in the politics of the realm in the late 1370s, he arranged for various works to be done to Leicester castle, including the building of a dancing hall and a new chamber near to the castle's eastern wall.⁸³ Gaunt also arranged for further alterations and repairs to Dunstanburgh – including a new gatehouse and barbican, and a wall of stone around the keep.⁸⁴ Other examples of building programmes by those nobles placed, or placing themselves, outside of the court circle include the building of Maxstoke castle in the mid-1340s by William Clinton, who was, to a degree at least, outside of the main court circle as a result of his part in the events of 1340–1.⁸⁵ Notably, Maxstoke has been called a 'combination of palatial accommodation with potentially defensive features'⁸⁶ – in other words, a set-up not out of keeping with a recently promoted 'new man' perhaps feeling increasingly insecure in an otherwise peaceful domestic setting.⁸⁷ Similarly, Nicholas de Segrave, while still out of favour with the court, received a licence to crenellate 'his dwelling house' of Barton (Northamptonshire) in October 1310.⁸⁸ Finally, Henry Beaumont, also

⁸⁰ Maddicott, *Thomas of Lancaster*, pp. 25–6: 'Lancaster was himself forced into political isolation and he responded with a spate of castle building.' J. Goodall, *The English Castle* (New Haven, 2011), p. 249; Robert Somerville, *History of the Duchy of Lancaster*, vol. 1: 1265–1603 (London, 1953), pp. 79–80.

⁸¹ C. H. Hunter Blair, *Dunstanburgh Castle* (Edinburgh, 1982), p. 4.

⁸² H. Sunley, *A Kenilworth Chronology* (Kenilworth, 1989), year 1318.

⁸³ Fox, 'Leicester Castle', pp. 143, 144; Bothwell, 'Making the Lancastrian Capital', pp. 350–1. A similar building programme took place at Kenilworth, with a floor being repaired in the Great Chamber 'for dancing on at Christmas': Sunley, *Kenilworth Chronology*, year 1379.

⁸⁴ Hunter Blair, *Dunstanburgh Castle*, p. 6.

⁸⁵ *Victoria County History, Warwickshire* (Oxford, 1947), iv, pp. 133ff.

⁸⁶ Charles Coulson, 'Fourteenth-Century Castles in Context: Apotheosis or Decline?', in Saul, ed., *Fourteenth Century England I*, pp. 133–52, at 144. See also N. Alcock, P. Faulkner and S. Jones, 'Maxstoke Castle, Warwickshire', *Archaeological Journal*, 135 (1978), pp. 195–235.

⁸⁷ Clinton was made earl of Huntingdon in 1337. Coulson sees Maxstoke as an expression of a larger, more subtle, ethos in fourteenth-century castle building: 'While rising above and transcending violence, fortification reflected a society in which fighting was commonplace. It also acknowledged the realities of power but made a gesture of defiance as well': Coulson, 'Fourteenth-Century Castles', pp. 145–6. As Clinton was without heirs, Maxstoke was licensed to be crenellated to the use of John de Clinton, his nephew: C. B. Fetherston-Dilke, *A Short History of Maxstoke Castle and its Owners* (Coleshill, 1982), p. 3.

⁸⁸ *CPR, 1307–13*, p. 303. This seems to be the 'castle' referred to in *Victoria County History, Northamptonshire* (Oxford, 1930), iii, p. 176.

exiled from court around this time, arranged the crenellation of his manor house of Folklingham, Lincolnshire.⁸⁹

Nonetheless, a surprising number of internal exiles continued their royal service in one form or another, usually due to the fact their exclusions had often been arranged by critics of the government rather than the monarch himself. Many of these men continued their local royal duties, as when in July 1388 William de la Zouche was put on a commission of both peace and *oyer and terminer* for Northamptonshire,⁹⁰ or when in the same month John Beaumont was placed at the head of an *oyer and terminer* commission in Leicestershire.⁹¹ Crucial roles in the defensive and political arrangements of the realm were not out of the question either, as John Beaumont remained Warden of the Western March during his time out of court.⁹² Aubrey de Vere, the uncle of Robert de Vere, Earl of Oxford, although exiled from court and forced to give up the office of royal chamberlain, according to Anthony Goodman, 'was respected by the Lords Appellant: he was allowed to keep all his royal grants, and was consulted by their leader, the duke of Gloucester, on how to respond to a diplomatic initiative from the duke of Burgundy'.⁹³ Similarly, despite the harsher punishments handed out to some of their husbands, the women involved in this mass exile from court often retained some power, as when Lady Poynings was able in April 1388 to arrange the pardon of Nicholas Chelewardeswode (*alias* Pegge) for the death of William Brodebare and any related outlawry.⁹⁴

For more active exiles, there was also more important administrative and political activity in royal service, though not usually within the kingdom. This was not surprising considering that most exiles sent outside of the kingdom tended to be more important personages. Most notably, Gaveston was, of course, exiled to Ireland, remaining within Edward II's dominions, but outside of court and the kingdom of England. According to the chronicle of Lanercost:

the king secretly caused him to sail to Ireland with his wife, furnishing him with letters to the effect that, wheresoever he should go within the lands of the King of England, he should be received with the glory and honour due to the person of the king himself. Also he gave him, as was said, such precious and valuable articles as he could find in his treasury, and also he gave him many charters sealed with his great seal, but in blank, whereon Piers might write whatever he chose; and accordingly he was received in Ireland with great glory.⁹⁵

⁸⁹ *CPR, 1307–13*, p. 457.

⁹⁰ *CPR, 1385–9*, p. 545.

⁹¹ *Ibid.*, p. 543.

⁹² *Ibid.*, p. 475. There is also evidence that he continued to hold the office of keeper of Carlisle castle: *CCR, 1389–92*, p. 124.

⁹³ Anthony Goodman, 'Vere, Aubrey de, Tenth Earl of Oxford (1338×40–1400)', *ODNB*. Land acquisition, such as manors in Dullingham and associated properties in Cambridgeshire, continued during de Vere's period of expulsion: *CCR, 1385–9*, p. 465.

⁹⁴ *CPR, 1385–9*, p. 428.

⁹⁵ *Chronicle of Lanercost*, ed. Maxwell, p. 187.

Gaveston was by no means idle while he was in Ireland: indeed, it has been shown that in many ways, he was more effective as governor, and more importantly captain, than he ever had been in England or elsewhere.⁹⁶ The Anglo-Irish *Annals* themselves, according to James Lydon, 'credit him with great achievements in Leinster: subjugating the O'Tooles, rebuilding Newcastle McKynegan (which was a crucial point in the defence of the royal road south from Dublin through Bray to Wicklow and Arklow) and Castlekevin, and cutting a pass between there and Glendalough'.⁹⁷ There was also a return to military activity for Gaveston on a wider stage, as around this time he was responsible for arranging a 'large expeditionary force' to Scotland to fight the Bruce faction.⁹⁸

However, it should not be forgotten that being in 'internal exile' could have serious disadvantages. It is notable that when the Earl Warrene decided to abduct Thomas of Lancaster's wife, it was during the latter's second period on the 'outside',⁹⁹ and therefore a time of some vulnerability. Similarly, early in the 1320s – when Hugh Despenser the younger was first in the ascendancy before Boroughbridge, and the 1316–19 courtiers were definitely on the outside – Despenser decided to seize the lands of the Clare co-heiresses, each of whom was married to one of the courtiers.¹⁰⁰ Later in the same decade, when the earl of Kent was definitely 'out of court' after taking part in the failed rebellion of 1328–9, Mortimer decided to move against him with the plot involving the supposed rescue of Edward II from Corfe castle.¹⁰¹ In contrast, there were some instances where exclusion from court ultimately brought improved status. For instance, Robert Braybrooke was made Lord Chancellor in place of the experienced old hand in government, Lord Scrope, early in Richard II's reign. As a result he had a number of run-ins with more established nobles and administrators, at least once including raising the ire of parliament.¹⁰² He resigned in March 1383, and thereafter was kept out of court informally for a long time. According to R. G. Davies, this allowed him to establish an 'increasingly respected position in broader public life, and to avoid altogether the far harsher attacks on the king's circle in the years that followed'. He was an executor of Joan of Kent, peacemaker between Richard II and Archbishop Courtenay, and, though less successfully, between Richard and his uncle Thomas of Woodstock. By 1388, he was considered respectable enough to be one of those chosen to supervise the activities of the recently cowed Richard II.

⁹⁶ Hamilton, *Piers Gaveston*, ch. 4.

⁹⁷ James Lydon, 'A Land of War', in Art Cosgrove, ed., *A New History of Ireland*, vol. 2: *Medieval Ireland, 1169–1534* (Oxford, 1987), pp. 240–74, at 263.

⁹⁸ *Ibid.*, p. 263.

⁹⁹ See N. Trivet, *Annalium Continuatio*, ed. A. Hall (Oxford, 1722), pp. 20–2.

¹⁰⁰ Fryde, *The Tyranny and Fall of Edward II*, chs 3–4.

¹⁰¹ For the latest discussion of Kent, see K. Warner, 'The Adherents of Edmund of Woodstock, Earl of Kent, in March 1330', *EHR*, 126 (2011), pp. 779–805.

¹⁰² R. G. Davies, 'Braybrooke, Robert (1336/7–1404)', *ODNB*.

Nevertheless, being outside of court either officially or unofficially could cause serious problems, especially when it came to finances.¹⁰³ For instance, it is worth noting that the ordinance of banishment for Gaveston's first exile provided for a relatively modest annuity of 100 marks, as follows:

And it was ordained by command of the king that Sir Peter shall have yearly in aid of his expenses for so long as he shall remain in parts beyond sea during the king's pleasure and waiting his recall, as is aforesaid, 100 marks sterling or the value thereof *des chipoteis*, to be received from the issues of Gascony; and the first year shall commence the day after he shall have passed the sea from Dover to Whitsand on his way to Gascony to stay there according to the said ordinance; and he shall receive the said sum during the king's will and until the king shall have caused enquiry to be made as to what Sir Peter has on this side the sea and on that and the profits that he has had since he came to England, so that when the matter shall have been well inquired into and the king shall have been fully advised thereof, he may ordain to increase or decrease the estate of Sir Peter according to his pleasure and as shall seem good to him.¹⁰⁴

It would appear that Edward I wanted Gaveston both out of the way, and deprived of any real power. And when Gaveston was exiled in 1308 for the second time, by Edward II's barons, it was ordered that he was to have an annuity for life of £200, with another £100 for his wife, were she to go with him – again a small sum for someone who had previously lived at the highest level of the English aristocracy.¹⁰⁵ Limitations on finance and personal liberty were also evident in the documents ordering the dispatch of the disgraced justices Belknap, Fulthorp, Cary, Holt, Burgh and Lockton to Ireland during the late 1380s. These men were expected to 'not live as justices, but as banished offenders'.¹⁰⁶ Although allowed relatively small amounts of money to take with them,¹⁰⁷ the men were to go into exile in pairs, and were restricted as to how far they could travel from their houses. Holt and Belknap were not to move more than two miles from Dromore on pain of death. Fulthorp and Burgh were allowed to visit each other in Dublin 'for their recreation', and Lockton and Cary in Waterford for similar purposes.¹⁰⁸ Furthermore, the justices were, again under penalty of death:

forbidden to have their wives to visit them in their exile, nor yet their children, lest they should instruct them in the law of the land. It was also forbidden for anyone to

¹⁰³ For instance, although exiled from the king's territories rather than England, Bertram Caylou found it difficult to survive without regular payments from the seneschal of Gascony: TNA, SC8/284/14177.

¹⁰⁴ CCR, 1302–7, pp. 526–7.

¹⁰⁵ *Chronicle of Lanercost*, ed. Maxwell, p. 187.

¹⁰⁶ *A Complete Collection of State Trials*, comp. Howell *et al.*, p. 14n.

¹⁰⁷ John Holt and William Burgh received 40 marks, Robert Belknap and Roger Fulthorpe £40, and John Lockton and John Cary £20: CCR, 1385–9, pp. 515–6.

¹⁰⁸ *A Complete Collection of State Trials*, comp. Howell *et al.*, p. 14n.

help or advise them, or show them favour in word or writing, or minister to them in any other way.¹⁰⁹

Finally, it should be remembered that those in internal exile could miss out upon various honours as well as wealth and liberty. While it might have been the case that William Clinton was not made a member of the new Order of the Garter in 1348 due to his age and health, it was fairly clear that the Earl of Arundel was omitted because of his part in the events of 1340–1.¹¹⁰ If not, perhaps, as unstable as those sent outside the king's dominions, the life of the internal exile was nonetheless full of uncertainty and, potentially, hardship and loss.

This paper has examined internal exile either from the royal court or the kingdom of England as a whole during the fourteenth century. From this, certain key points arise. The first is the growing importance of official internal exile to critics of the king, who in many cases initiated such banishments. In particular, this was a way to get enemies away from the king, while avoiding any more controversial actions such as imprisonment or execution. Second is the increased use of parliamentary, quasi-parliamentary, or conciliar authority throughout our period in order to validate banishments – a crucial authorization for what was a very controversial act. Usually only used by critics at times when kings were in a weakened position, at other times, and in particular when kings were stronger, unofficial exclusion seems to have been the order of the day for monarchs, those ruling in their stead, and those criticising them. The third is the difference between exile within the kingdom and with exile outside England yet within the English king's dominions. Though still under the king's rule, being sent to Ireland or Gascony meant something different from simply being banished from court, both in terms of geography and severity. Exile outside of England itself, but within the king's dominions, was usually forced on more powerful nobles such as Gaveston and the Despensers. Fourth is the similarity of the experience once in exile, regardless of which variety of exile has been imposed – it seems that once it was obvious that one was excluded from court, it did not matter much whether this had been done by noble meeting, parliament or unofficially. Finally, although 'the royal court' itself remained, as we have seen, a somewhat vague concept in the later Middle Ages, over the course of the fourteenth century understandings of what it meant in practice to be 'outside' of court became clearer. In particular, both forms of exile helped define the court, and what was acceptable behaviour, at the very least by showing what was not – which mainly, as has been seen in the examples throughout this chapter, took the form of backing the wrong faction. Political faction, in other words, rather than any more theoretical concepts of

¹⁰⁹ *Knighiton's Chronicle, 1337–1396*, ed. and trans. G. H. Martin (Oxford, 1995), pp. 502–5.

¹¹⁰ See above, pp. 143–4.

monarchy, legality and/or the common good, tended to decide who was excluded, at least from the centre of power, in later medieval England. All are basic points, but are worth stating because they are often unconsidered – probably because exile outside of the English king's dominions has a more powerful draw. Put together, however, the broader idea of 'internal exile' would be of key importance throughout the period, and would remain an important issue for curial politics, and the continued definition of the royal court, through the reigns of the Lancastrian and Yorkist kings, and the vicissitudes of the Wars of the Roses.

More generally, the development of both official and unofficial internal exile during the fourteenth century had an important impact both in the centre and the localities. For a start, those who were definitely on the 'outside' of the royal court frequently had more time to spend on their estates. This in turn had a knock-on effect on local politics during the time they were out of favour, but still in the country, for both good and ill. Individuals could simply engage in building works on their estates, or protecting their own interests, such as Henry Beaumont or Thomas Camoys. Or they could be far more forthright in their activities, most notably as seen in Thomas of Lancaster's political and military activities in the late 1310s. Most importantly, their continued absence deprived the king's government of some of the most experienced politicians, administrators and soldiers, often at times when they were most needed – namely during the crises which had helped to oust them in the first place. However, the issue of internal exile was not just to do with national or even regional politics. It is also crucial for an understanding of the nature of individual noble interaction with the polity at the highest level. For, even if one still had some residual political presence near the centre during a period of exclusion, without a voice, or without being willing to use it, one was simply part of the furniture. Being an internal exile, then, was as much a state of mind as anything else, both for the exile himself and for those around him. If an individual at this level opted out, or was forced out, of making comment, he was locked out of one of his key roles as a noble within the kingdom, in turn further reinforcing his status as an internal exile. The geographical movement and placement of the internal exile was crucial, then, but so too was his or her resulting mental outlook and behaviour for the duration. In their combination lay both the possibilities, and the potential dangers, for the kingdom as a whole.

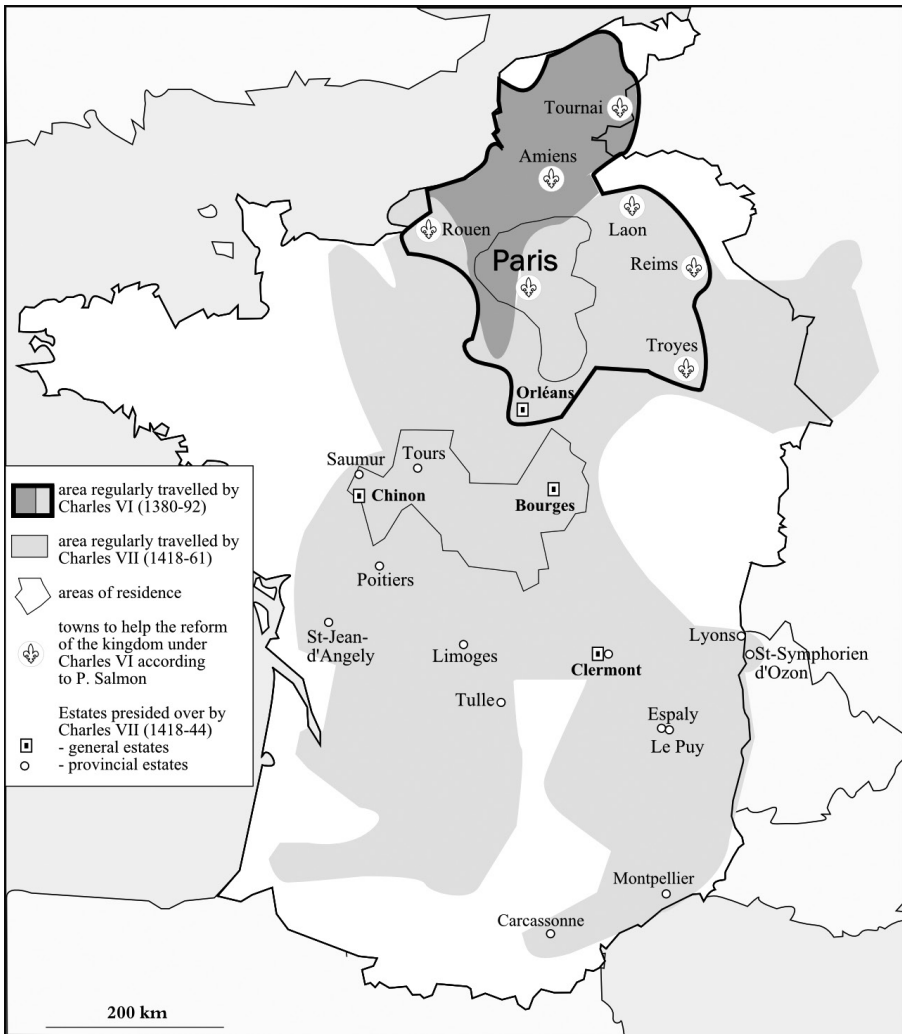
‘Si grant charté a Paris ... par defaulté du roy’:
 Governmental Practice and the Customary
 Geography of the Absence and Presence of the King
 in France (1364–1525)

LÉONARD DAUPHANT

In the later Middle Ages the power of the French king was personal. Its sacred character manifested itself in the contact the king established with his subjects; in practice, the physical presence of the king was a major political factor. The slow growth of administration did not displace this, but rather reinforced the king's ‘power in representation’. In this paper we shall study the absence of the king, but instead of examining political theory, we shall follow the king on his journeys and observe him through the reactions of public opinion. The itinerary of the king draws a kind of ‘customary map’, showing the proximity of power to its subjects: by default, the map suggests how distant power was, or how it was delegated.¹ And on this map two scales overlap, a geographical one and a social.

The French kings could not cover the whole of the 400,000 km² of their kingdom. They tended to stay in the ‘country’ of France, around Paris – which was their original domain. They visited other regions for specific purposes only. Ultimately, for many areas on the periphery of the kingdom, the absence of the king was the political norm. But absence also meant social distance: as princes, the kings maintained firm social barriers between themselves and their subjects. Between the reign of Charles V (1364–80) and that of Francis I (1515–47), these two aspects of royal residential practice changed significantly. In terms of geography, the royal space was reduced after the defeats of the first Hundred Years War (1337–75); during the second Hundred Years War (1411–53), it moved to a new area, the Loire Valley, under Charles VII (Map 1). Finally, from the reign of Charles VIII (1483–98) the kings had at their disposal a kingdom that was united and tightly held; it was from there that they were able to launch their conquest of the Italian principalities. Political stability and an expanding administrative machine allowed them to reduce their travels through France (Map 2). At the same time, the social distance between court and bourgeois increased: the king deserted the locations where he had been traditionally present, in particular

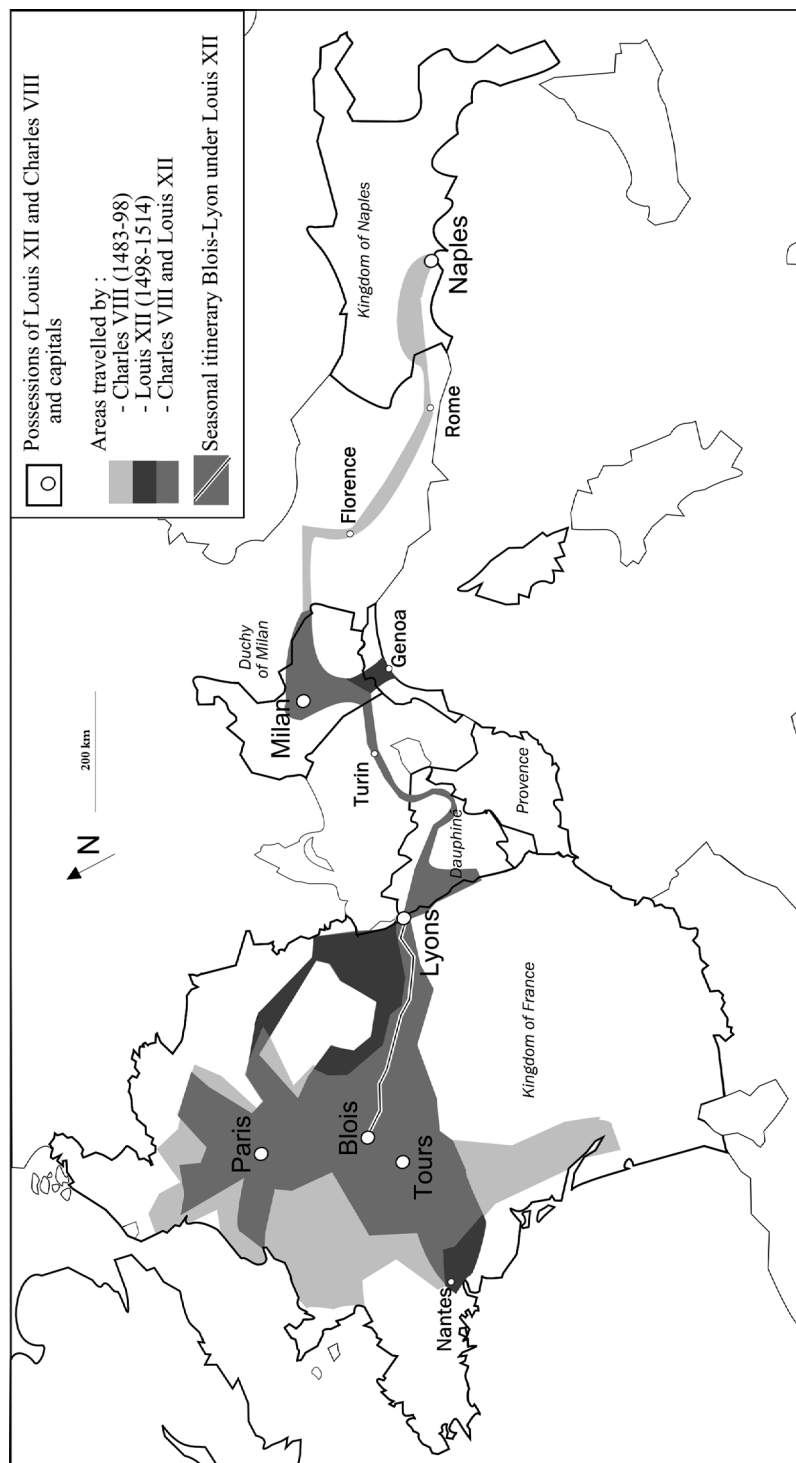
¹ Léonard Dauphant, *Le royaume des quatre rivières* (Seysel, 2012), ch. 7, ‘L’espace du roi’.



Map 1: Patterns of royal itinerary by Charles VI and Charles VII in France (1380–1461)

Paris, his capital. How did the kings of France manage this transformation of the space they inhabited, and what were the political consequences?

The first part of this paper will focus on the traditional practices which turned the space the kings inhabited into a kind of customary political object, and which forced them into a specific relationship to their territory and their subjects. Second we shall see how King Charles VII (1418/22–1461) turned these rules upside-down, arousing strong opposition in the process. Finally, we shall underline how the contraction of direct personal government towards the end of the period led to a kind of sublimation of the king's absence.



The King Ought to be Present in his Kingdom

The king consciously used his presence and his itinerary as a form of power. Good government was personal and close to the subjects of the realm. In the *Rosier des guerres* (c. 1482), Louis XI advises his son to ‘think about the state of his people and to visit them as often as a good gardener visits his garden’.² The classical metaphor of France as a garden is here compounded with the metaphor of the king-gardener who is compelled to cultivate personal relationships and to attend personally to the kingdom. In practice, and outside the urgent situations which lay behind most journeys, the spatial mode of government corresponded to uses, expectations and limitations that were implicitly codified – that is to say, a custom which the king had to take into account.

The presence of the king was mainly felt in Paris. Although Charles V and Charles VI did not reside permanently in the city, they spent most of their lives in the region around it.³ Charles V even attempted to give some kind of structure to his reign by putting into place a regional ‘devotional cycle’, spending the main religious feasts of the year in the great sanctuaries of Paris, Saint-Denis and Chartres.⁴ With his power rooted in the Paris Basin, the French king did not really seek political backing beyond that region. For instance, when Pierre Salmon offered to reform the kingdom for Charles VI, he suggested that the king should nominate as his advisers bourgeois taken from seven towns which were all situated around Paris (see Map 1). The Paris Basin was seen as ‘true France’,⁵ the space inhabited by royal power.

On the other hand, the king’s duty to be present in his kingdom implicitly required wider geographical knowledge. On his coronation the king swore to defend his domain; mirrors of princes encouraged him to know its limits.⁶ From his accession Louis XI (1461–83) strove to travel up and down his kingdom. These travels were a proof of his good government, as he proclaimed when facing the rebelling princes during the League of the Public Weal:

Since his coronation, the king has made all possible efforts to put, keep and maintain his kingdom in peace, quiet, tranquillity and good justice, and to augment and increase it. And he has not spared effort and work, thanks to our Lord, by visiting

² *Rosier des Guerres*, BnF, MS fr. 17273, fol. 13v: ‘penser à l’estat de son peuple et le visiter aussi souvent comme ung bon jardinier fait son jardin’.

³ Bernard Guenée, ‘Paris et la cour du roi’, in his *Un roi et son historien: Vingt études sur le règne de Charles VI et la ‘Chronique du religieux’ de Saint-Denis* (Paris, 1999), pp. 337–62, at 341.

⁴ Bernard Guenée, ‘Le vœu de Charles VI: Essai sur la dévotion des rois de France aux XIII^e et XIV^e siècles’, in *ibid.*, pp. 219–75, at 257.

⁵ It is a foreigner who uses this brutal expression, making explicit a common representation: ‘Journal de l’ambassade tchèque en France par l’écuyer Jaroslav’, ed. M. Nejedlý, *Annuaire-bulletin de la Société de l’histoire de France, année 2009* (Paris, 2012), pp. 53–117, at 110.

⁶ J. Vallet de Viriville, ‘Advis à Isabelle de Bavière: Mémoire politique adressé à cette reine vers 1434’, *Bibliothèque de l’École des Chartes*, 27 (1866), pp. 128–57, at 144–5.

the regions of his kingdom as no other king of France has done in so little time from Charlemagne to the present day.⁷

Indeed, the king covered 2,800 km between 1461 and 1464,⁸ visiting regions that he did not know beforehand and purchasing border areas or travelling along them; this was notably the case in the Pyrenees, which may explain the allusion of Louis XI to 'Charles the Great', the mythical conqueror of Spain.

When the king left on his travels, his absence was felt in his capital. In the autumn of 1389, the young Charles VI left Paris to reform Languedoc. His six-month absence struck the Parisians deeply, and the poet and royal officer Eustache Deschamps chose this as a topos for one of his pieces.⁹ Without the court, he wrote, the capital is lifeless, and the loss of economic activity is keenly felt. Moreover, without the king there cannot be justice. The changers are the only ones to get richer because of the king's absence. Everybody else is waiting for the king to come back: as the refrain says, 'When will our king return to Paris?' This is because Paris lives off the proximity of the king and the presence of the court households.¹⁰ The absence of the king halted princely consumption, but it also meant the absence of justice, even if the court of Parlement still sat. For the minds of the late fourteenth century, the dissociation between a mobile government and administrations that were fixed and separate from the king was not as straightforward as it is for historians.

The departure of the king had a clear impact on the Parisians. But how was his sudden arrival felt in regions where he did not ordinarily spend any time? His presence established a contact far more intense than that offered by the residence of his officers or the reception of letters sent by his chancery. The arrival of the court also threw small towns into disarray. This may be illustrated by the stay of Charles VII in Limoges in 1439, which was reported on by a chamberlain of the Abbey Saint-Martial, who was in charge of finding lodgings for the apothecary of the Dauphin Louis.¹¹ As far back as Limousin memory went, the town had never seen a king. For the first time ever its leading citizens experienced what the court was. Its luxury surprised and irritated them: for instance, the Dauphin did not go anywhere without his lioness (who met with a tragic end in Limoges). The

⁷ A. Lecoy de la Marche, *Le Roi René, sa vie, son administration, ses travaux artistiques et littéraires* (2 vols, Paris, 1875), ii, p. 310 (1 April 1465): 'le Roy, depuis qu'il est venu à la couronne, a mis toute la peine qui luy a esté possible de mettre à garder et entretenir son royaume en paix, repos, tranquillité et bonne justice, et à iceluy augmenter et accroistre, et y a, grâce à Nostre Seigneur, pené et travaillé en visitant les parties de son royaume plus que ne fist oncques mais roy de France en si peu de temps depuis Charlemaigne jucques à présent.'

⁸ This calculation is taken from Pierre-Roger Gaussin, *Louis XI, roi méconnu* (Paris, 1976), pp. 394 and 404.

⁹ Eustache Deschamps, *Œuvres complètes*, ed. Queux de Saint-Hilaire and Gaston Raynaud (10 vols, Paris, 1878–1901), v, pp. 122–3, no. 920.

¹⁰ Jean Favier, 'Une ville entre deux vocations: La place d'affaires de Paris au XV^e siècle', *Annales Économies Sociétés Civilisations*, 28 (1973), pp. 1245–79, esp. 1246–7.

¹¹ *Chroniques de Saint-Martial de Limoges*, ed. Henri Duplès-Agier (Paris, 1874), pp. 202–15.

chamberlain also complained about the cost of the court's stay. But he found the culture of the court fascinating, and took advantage of its stay in Limoges to copy a poem in French (Limoges was part of the *langue d'oc* area). The crucial point, however, was that it became possible to get direct access to power: in particular, the Chapter finally obtained the royal protection it had long been seeking. Charles VII returned twice to Limoges, in 1442 and 1443, without bothering to warn its citizens of his arrival. No other king visited Limoges after 1463.

The implications of personal monarchy meant that the journeys of the king had a political impact which went far beyond the pragmatic choice of a residence according to the needs of the moment. Royal advisers manipulated their master's itinerary in order to turn the local balance of power in their favour: in particular, they sought to receive him on their lands so that they would increase their own prestige. They also did their utmost to take the king to areas where they accused their enemies of governing badly. A ballad by Deschamps tells the young Charles VI all the profit he will find in a pleasure trip to Vermandois, to the châteaux of Enguerrand VII de Coucy and of Jean Le Mercier, the latter being then at the head of the royal household.¹² 'Pleasure and entertainment' ('deduit et esbatements') here rhymes with 'members of government' ('genz [...] de gouvernement'): this trip was clearly seen as courtly entertainment and was meant to increase the status of the king's hosts. The king is invited to go and meet 'those who love him with their bodies and their goods' ('ceux qui l'ayment et de corps et d'avoir'): the private possessions of the officers come into their own when put at the disposal of the king, and the quality of their welcome is proof of their devotion to him. The sumptuous houses built by such men were the perfect surrounding for festivities, but they could be turned instantly into defences for the kingdom if need be. Jean Le Mercier also promoted the journey to Languedoc in 1389.¹³ There the rationale behind the journey was the opposite of the pleasure trip to Vermandois: the king was sent to Languedoc in order to see for himself – and punish – the bad government of Le Mercier's political rivals – the officers of the king's uncle Jean, Duke of Berry.

The Itinerary of the King and Social Distance

The king made use of his own physical presence in order to legitimize his power, first in space (where he was to be seen), but also in time – through the memory of his presence. However, this government of direct contact followed some specific social rules: social customs duplicated geographical custom. The duty of the Most Christian King was to be generous, and to dispense justice to whomever he came across. This was in the tradition of the king being accessible to all his subjects,

¹² Deschamps, *Œuvres complètes*, iii, p. 168, no. 393. The notice on Jean Le Mercier is in *ibid.*, i, pp. 386–7.

¹³ Jean Froissart, *Chroniques, livres III et IV*, ed. Peter Ainsworth and Alberto Varvaro (Paris, 2004), pp. 371–2.

as recalled by Joinville when presenting Saint Louis dispensing justice under an oak at Vincennes. Until the reign of Louis XI the king conceded his grace to the supplicants who turned to him: these were the so-called 'rémissions de bouche'.¹⁴ But, from the time of Charles V, the king had also maintained a distance which attested to his sovereignty. Christine de Pizan praised Charles V for always travelling in 'honorabile ordonnance', demonstrating publicly the dignity of the Crown.¹⁵ The principle of the 'familiarity' of the king of France increasingly came under pressure from his 'spatial dignity',¹⁶ which was set up as a spectacle.

In spite of this development, the king's arrival was always marked by a ritual of exchange that he could not entirely master: his sacred power was publicly demonstrated, but in return this forced him to be generous or merciful. Rather than violate this moral contract (or this implicit 'political contract'),¹⁷ the king's strategy was to avoid such occasions altogether. In order to avoid conceding fiscal exemption on his 'joyeuses entrées', Charles VI by-passed towns on his way back from his coronation.¹⁸ The feudal right of entry was the first public contact between the prince and his subjects, and it played a major role in their dialogue.¹⁹ It also held a central place in the political economy of the kingdom, since this was the only opportunity for constructing a public space for an exchange between the king and the populace. The sovereign came to meet his subjects, who gathered to see him. The king thus put together an ephemeral political show which was repeated in every town. But in the kingdom as a whole the growth of institutions led to the multiplication of power relations in the context of an 'information society',²⁰ and removed the supplicants from the person of the king. The towns of southern France, at great cost, sent embassies to the king, who often agreed to their demands. But in the fifteenth century the king's oral concessions had

¹⁴ Claude Gauvard, 'Les clerks de la chancellerie royale française et l'écriture des lettres de rémission aux XIV^e et XV^e siècles', in Kouky Fianu and DeLoyd J. Guth, eds, *Écrit et pouvoir dans les chancelleries médiévales: Espace français, espace anglais; Actes du colloque de Montréal, 7–9 septembre 1995* (Louvain-la-Neuve, 1997), pp. 281–91, esp. 282–3.

¹⁵ Christine de Pizan, *Le Livre des fais et bonnes meurs du sage roy Charles V*, ed. Suzanne Solente (2 vols, Paris, 1936–40), i, pp. 49–51.

¹⁶ Monique Chatenet, 'Construire l'espace au XVI^e siècle', in Marie F. Viallon, ed., *Construire l'espace au XVI^e siècle: Actes du XIV^e colloque du Puy-en-Velay* (Saint-Étienne, 2008), pp. 13–22, esp. 19–20 and 22.

¹⁷ On the 'contractualised political discourse', see Jan Dumolyn and Jelle Haemers, "Les bonnes causes du peuple pour se révolter": Libertés urbaines et luttes de pouvoir aux Pays-Bas méridionaux (1488)', in *Libertés et citoyenneté urbaines du Moyen Âge à nos jours: Colloque de l'International Commission for the History of Towns, Luxembourg, 2009*, online at http://www.historiaurbium.org/english/Conference%202009/Dumolyn_Haemers.pdf.

¹⁸ Françoise Autrand, *Charles VI: La folie du roi* (Paris, 1986), p. 11.

¹⁹ Élodie Lecuppre-Desjardins, 'Parcours festifs et enjeux de pouvoirs dans les villes des anciens Pays-Bas bourguignons au XV^e siècle', *Histoire urbaine*, 9 (2004), pp. 29–45.

²⁰ Following the definition of Thierry Dutour, 'L'élaboration, la publication et la diffusion de l'information à la fin du Moyen Âge (Bourgogne ducal et France royale)', in Nicolas Offenstadt and Didier Lett, eds, *Oyé! Haro! Noël! Pratiques du cri au Moyen Âge* (Paris, 2003), pp. 141–55, esp. 155.

to be ratified by local royal jurisdictions. These often sought to block the whole process. Such a mechanism – combining the assent of the king and the refusal of his officers – was seen in Bordeaux in the years 1483 to 1501.²¹ On these occasions, the proximity of the king was deluding local populations, masking the fact that the decision-making process was controlled by administrators. And these men were rarely generous: their only concern was to defend the king's rights.

The relations between the king and the towns resulted in a clash between the subjects and the State; on the everyday level there were also frictions between bourgeois population and court nobility. Like the bourgeois of Paris under Charles VI, from 1444 the bourgeois of Tours experienced difficulties when it came to finding lodgings; they suffered from overcrowding, and they complained about growing prostitution and insecurity, and about the nuisances created by the proximity of princely households.²² In the fifteenth century the king usually chose to reside in forests or in the countryside. When he could not avoid staying in a town, he generally resided in a château in its vicinity or in a residence built against the town walls. The model of Vincennes – a château-town centred on a forest – was reproduced in every single royal town. The châteaux built in the Loire Valley were located away from towns, such as Le Plessis, near Tours, which Charles VIII intended to transform into an autonomous *bourg royal*.²³ Under Louis XI the works at the château of Amboise led to all canons and bourgeois being expelled from the church of the château: the security of the royal family and the risk of an epidemic were invoked to justify the expulsion.²⁴ The château became a kind of island, separate from the *bourg* lower down. When the king itinerated he also kept urban spaces at a safe distance. Charles VII chose to stop in small châteaux, away from the towns he visited: he stopped at Sarry instead of Châlons-en-Champagne (1445), Taillebourg instead of Saintes (1451), Cleppé instead of Feurs (1452), at Montferrand and not in Bordeaux (1453), at Saint-Priest and not in Lyon (1456).

The chronicler Thomas Basin stresses that Charles VII preferred isolation in far-away locations.²⁵ But the distance put between the person of the king and the bourgeois did not necessarily reflect the king's personality. Practical reasons (the fear of revolts, the prevention of disease) as well as cultural ones account for this: the counterpart of the mutual hostility between the court and the bourgeois (which was as strong as their complementariness) was a princely view of the world which valued rural landscapes as the backdrop for pleasurable activities, versus towns, which were mainly seen as the setting of government.²⁶

²¹ BnF, MS fr. 23915, fols 71–3.

²² Bernard Chevalier, *Tours, ville royale (1356–1520): Origine et développement d'une capitale à la fin du Moyen Âge* (Leuven–Paris, 1975), p. 226.

²³ *Ibid.*, p. 312.

²⁴ Jean-Pierre Babelon, *Le Château d'Amboise* (Arles, 2004), p. 45.

²⁵ Thomas Basin, *Histoire de Charles VII*, ed. Charles Samaran (2 vols, Paris, 1933–44), ii, p. 307.

²⁶ Léonard Dauphant, 'Vu du château, vues de châteaux: La culture paysagère des princes en

The Inhabited Space of Charles VII and his Successors, and Public Opinion

French kings had always been itinerant. But in their vast kingdom the space they covered was a political factor and varied according to context. Three phases may be distinguished in the period 1364–1525. During the ‘first Hundred Years War’ (1337–75) the victories of Edward III forced Charles V to reduce the area he inhabited to the Paris Basin. In 1418–20, royal power, which until then had been highly centralized, was suddenly spread over a wide area: Paris was held by the Anglo-Burgundian alliance, while Charles VII withdrew to his personal lands of the Loire Valley (Berry, Poitou and Touraine). After the surrender of Paris in 1436, French public opinion maintained that Charles VII was the real king and not Henry VI. Everybody expected Charles to return to Paris: for life to get back to normal, as it were, with the return of peace. This is what Alain Chartier writes, for instance.²⁷ After a brief visit to Paris, however, Charles VII decided to return to the Loire Valley. A geography of power centred on the Loire became the norm for his successors Louis XI, Charles VIII and Louis XII. During the later phase, Charles VIII added a new centre to this geography: Lyon, which opened the gate to the conquest of Italy. With the royal State becoming increasingly stable and powerful, the reign of Louis XII (1498–1514) reached a remarkable balance. The king did not travel to pacify his kingdom; instead, he now circulated between two seasonal capitals. Every year or so, having spent the winter at Blois, the court moved to Lyon in the spring, where the king was elaborating his Italian policy (see Map 2). Later, Francis I kept the three centres while giving more importance to Paris. For about a century, therefore, a multi-hub system dominated, with Paris as the administrative capital (including the Parlement and the Chambre des comptes), while the Loire Valley residences (Tours, Chinon, Amboise, Blois and Bourges) became the curial capitals.

Such choices mattered. The royal itinerary gave legitimacy to the locations where the court resided. It was also there that servants and supporters were recruited. After 1418, Charles VII could no longer access the Île-de-France: this deprived him of a source of legitimacy as well as of the apparatus of the State.²⁸ He was put under pressure to recover lost territory and came under criticism from within the court as well as outside: the locations he chose, as well as the legitimacy of his personal space, were targeted. In particular, Parisians did

France de Charles V à Louis XI (1364–1483)’, in Henri Bresc, ed., *Paysage de force et plaisir du paysage: Actes du 135e Congrès du Comité des travaux historiques et scientifiques (Neuchâtel, 6–11 avril 2010)* (2012), pp. 87–96.

²⁷ Alain Chartier, *De detestatio belli Gallici et suasionem pacis*, p. 487, quoted by Gaston du Fresne de Gaucourt, *Histoire de Charles VII* (6 vols, Paris, 1881), iii, p. 51.

²⁸ Bernard Guenée, ‘Les campagnes de lettres qui ont suivi le meurtre de Jean sans Peur, duc de Bourgogne (septembre 1419–février 1420)’, *Annuaire-bulletin de la Société d’histoire de France, année 1993* (Paris, 1994), pp. 45–65.

not understand why the king refused to come back to Paris. The year following the surrender of Paris the canon known as the 'Bourgeois de Paris' complained that:

Next, neither the king nor the princes came to Paris or its surroundings, as if they had been in Jerusalem, and because of that prices increased, since it was impossible to bring goods [to Paris] without them being ransomed or stolen by the thieves who were garrisoned around Paris [...] And there were no pigs at the [fair of] Saint-Clément, for the absent king did not care about the 'country' of France and was still in the Berry, because of his evil advisers.²⁹

According to the Bourgeois, in the absence of the king – who did not even send news, as if he were on crusade – shortage of goods and violence became the norm for the Parisian population. In a process of reversal, Paris became a border town left to looters, while it should have been the sacred centre of kingship. What shocked the Bourgeois most were the crimes committed by the 'routiers' close to the gates. A royal sergeant was killed at the Saint-Jacques gate, with his murderers shouting 'Where is your king? Oi! Is he hiding?'³⁰ For the soldiery and for Parisians alike, such an attack was 'profanation'³¹ at the heart of royal power, in its capital. The king, who was engaged in leading the recovery of his kingdom from his bases in the Loire Valley, could afford to neglect his role in the system of rituals, but this was clearly at the expense of his local *fama*.

After the surrender of Paris, the Bourgeois renewed his complaint almost every year: in 1436, 1437, 1438, 1444, 1445, and 1449.³² In 1444, Charles VII, now king, visited the Empire: for the first time since 1388, a king was travelling beyond the borders of his kingdom. For the Bourgeois, this journey did not demonstrate the consolidation of royal power: instead, it showed the king's powerlessness. Charles VII had not done 'in ten or twelve years' (since his coronation) what should have been done 'in two to three months' – that is to say re-establish security in the Paris Basin, which was still the prey of loiterers. Instead of acting, 'he and his son

²⁹ *Journal d'un bourgeois de Paris*, ed. A. Tuetey (Paris, 1881), pp. 341–2: 'Item, le roy, ne nul des signeurs ne venoit à Paris, ne entour, ne que s'ilz fussent en Hierusalem, et pour ce y avoit grant charté à Paris, car on n'y pavoit rien apporter qui ne fust rançonné ou dérobé des larrons qui estoient es garnisons entour Paris [...] ne il n'estoit nulz pourceaux a la Saint Clement, par defaulté du roy qui ne tenoit compte du pays de France, et se tenoit tousjours en Berri par les mauvais conseils qu'il avoit' (for 1438).

³⁰ *Ibid.*, p. 338: 'Où est vostre roy? Hé est il muché?'

³¹ Élisabeth Crouzet-Pavan, 'Violence, société et pouvoir à Venise (XIV^e–XV^e siècles): Forme et évolution de rituels urbains', *Mélanges de l'École française de Rome, Moyen-Âge, Temps modernes*, 96 (1984), pp. 909–36, esp. 928.

³² In 1436 (*Journal d'un bourgeois de Paris*, ed. Tuetey, p. 327), 1437 (p. 335), 1444 (pp. 369–70: as if the king and the queen were 200 'lieues' away), 1445 (p. 379: the English hold the country 'et ne challoist au roy, que de chevalcher de pais en autre'), and 1449 (p. 391: the king goes through Normandy without coming to Paris).

were going abroad, where there was nothing for them to do, in order to spend and waste the people and the money of his kingdom'.³³

Paradoxically, the complaints of the Bourgeois betray the strength of the royal myth. Although a partisan of the Burgundian faction, this cleric considered the evils of the times to be linked to the absence of the king: the desire for peace and security became a longing for the king's presence. Parisian notables were not the only ones to utter such criticism. In 1440, the curial bishop Jean Juvénal des Ursins exhorted the king not to 'sleep' anymore: for him, 'sleep' meant residing in the châteaux of the Loire Valley. The king ought to act – that is to say, he ought to stay in Paris, which is the seat of virtues, the only possible residence for a good king:

Alas, sire, why do take away your right hand from the middle of your blood, that is to say from your good city of Paris, the head of your kingdom? When you come here, it seems that you want to be somewhere else [...] Charles the Wise came and lived here [...] and he put things right in his kingdom, which he would never had done if he had lived in Amboise.³⁴

Instead of sending circular letters – a derisory policy when it comes to towns located on the borders of the kingdom – the king ought to dispense justice 'in person' and stop going from one town to the other.³⁵ The stays of Charles VII in his châteaux 'beyond the river Loire'³⁶ show that he does not fulfil his royal duties:

You want to lie low and stay hidden in some châteaux, some miserable places, and in some kinds of small rooms, without showing yourself and without listening to the complaint of your people who suffer as I have told you.³⁷

Whether in Paris or in the court, whether they were Armagnac or Burgundian, the traditional elites were impatient to return to normality, with the king settling down in his capital. For them, by staying outside Paris and by travelling far away from it, the king showed his inability to govern. Charles VII was accused of hiding in the Loire Valley instead of assuming the spatial practices of his grand-father Charles V, i.e. a stable residence in Paris broken only by a few visits to his 'bonnes villes'. As for the princes who did not fight to recover the kingdom in person,

³³ Ibid., p. 375: 'ilz alloient, lui et son filx, en estranges terres ou ilz n'avoient rien, despendre, et gaster ses gens et la finance de son royaume'.

³⁴ 'Loquer in tribulacione', *Écrits politiques de Juvénal des Ursins*, ed. P. S. Lewis (3 vols, Paris, 1978), i, p. 370: 'Helas, sire, pourquoy avertissez du mellieu de vostre sang vostre main destre, c'est assavoir de votre bonne ville de Paris, qui est le chief de vostre royaume? Quand vous y venez il semble que en voudriés estre hors [...] Charles le Sage [...] y vint et s'y tint [...] et remist son royaume sus, ce qu'il n'eust mie fait se il se feust tenu a Amboise'.

³⁵ Ibid., pp. 329, 346 and 382.

³⁶ Ibid., p. 382.

³⁷ Ibid., p. 323: 'vous voulez estre mussé et caché en chasteaulx, meschans places et manieres de petites chambres, sans vous monstrier et ouir les plaintes de vostre peuple ainsi tourmenté que dist est'.

they were thought cowards. Juvénal's address to the princes was public, which explains his caution, but the Bourgeois could afford to be much sharper: 'the French princes [have] all become like women'.³⁸ One word was on everyone's lips, and sums up the general discontent: 'hidden' ('muché'). Altogether, these criticisms, which are found in the works of the bishop, the 'routier' and the Bourgeois, testify to the existence of a public opinion, in northern France, which was definitely hostile to the concept of itinerant royal government.

This judgement, however, may be tempered if one takes into account the fact that the elites of the Paris Basin were suffering from a kind of 'geographical downgrading', while the bourgeois were hostile to the nobility's territorial practices: in both cases, this explains the trouble people had in fully grasping the situation. One should also consider the widespread hostility to the practices of a 'modern State' which appeared to do without the traditions and myths that could legitimate its power. For a courtly poet such as Antonius Astensis (the Italian secretary of Charles of Orléans), the fact that Charles VII resided in Tours and not in Paris 'justa forsan percussus ab ira' was not an issue.³⁹ The dukes of Burgundy did not think twice when it came to destroying rebel towns, while the king was content to submit Paris and Bordeaux to his rule, only to ignore them later on. Meanwhile, different elites were able to take advantage of this southwards shift of the royal space, for this was not a break between the king and his subjects but rather a geographical shift, and a redistribution of power. Elites were recruited in a new way, in that they no longer originated from Paris or Picardy, but from southern France and the Loire Valley. Charles VII moved away from the Paris area, but he came closer to the centre and to the south of his kingdom (see Map 1). This king who was 'hidden in some châteaux' also came to meet provincial urban governments. Few kings travelled as much during their reign. In order to finance the war, the king personally presided over the assemblies of estates, whether general or provincial. The complaint of the Parisians reflected the political marginalization of the ancient centre.

The social pragmatism of Charles VII was similar to that of the popes, who risked neglecting the source of their legitimacy, Rome, by choosing to reside in Lyon and then in Avignon: to quote Jacques Le Goff, 'space/time is not only some "rational" phenomenon, it is also some "symbolical" phenomenon'.⁴⁰ The

³⁸ *Journal d'un bourgeois de Paris*, ed. Tuetey, p. 370 (1444): 'tous les signeurs de France estoient tous devenus comme femmes'.

³⁹ Antoine Astesan, 'Éloge descriptif de la ville de Paris et des principales villes de France en 1451', in Antoine Le Roux de Quincy and L.-M. Tisserant, eds, *Paris et ses historiens aux XIV^e et XV^e siècles* (Paris, 1867), pp. 528–77, at 572.

⁴⁰ Jacques Le Goff, 'La perception de l'espace de la Chrétienté par la Curie romaine et l'organisation d'un concile œcuménique en 1274', in Werner Paravicini and Karl Ferdinand Werner, eds, *Histoire comparée de l'administration (IV^e–XVIII^e siècles): Actes du XIV^e colloque historique franco-allemand de l'Institut Historique Allemand de Paris* (Munich and Zürich, 1980), pp. 11–17, at 16: 'l'espace/temps n'est pas seulement un phénomène "rationnel" mais aussi un phénomène "symbolique"'.

royal movements were a stake for competing regions. This accounts for the emergence of a space created by compromises, rejections and particular attentions. Unlike the pope's power, however, the power of the king did not rest upon legitimacy created by a single centre. Instead, he was able to rebuild this legitimacy in the centre of his kingdom. If the Parisians found his absence hard to understand, his presence in areas stretching from Poitou to Languedoc earned the monarchy some new political supporters, albeit at the cost of the old ones' hostility.

The Sublimation of Absence: Virtual Presence and Poetical Conflict

In the second half of the fifteenth century, the royal State grew rapidly, therefore requiring a form of power which was far beyond the usual limits of personal control. This new system rested on two key elements: administration and the acceptance of royal power. There were probably 5,000 royal officers in 1515, which means a technocratic structure of about 7,000 to 8,000 men. Together with the army, this composed a 'small society of 60,000 people'.⁴¹ At the same time, kings itinerated within a smaller area: this was a sure sign that a common culture now enabled a new society – based on offices – to run in the absence of the prince. The 'global ubiquity' territorial model may help understand this transformation. Cultural centres of power internalizing fidelity to the State were scattered all over the kingdom.⁴²

In the area of the French territory that was increasingly deserted by the person of the king, some kind of sublimation of his absence was put into place: the traditional forms of royal presence were dramatized. The administration was not seen as a kind of abstract delegation. Instead, it was considered as representing the virtual presence of the king.

During the reign of Charles VII entries and embassies were supplemented by the presidency of estates, and during the reign of Louis XI by the intensification of the correspondence with municipalities. In the second half of the fifteenth century ritual gave royal entries the quality of drama, as if to compensate for the ordinary absence of the king. Charles VIII visited Nantes at Christmas 1493 in order to receive the oath of his Breton subjects: he told them he was going on crusade, where he might die.⁴³ As for Louis XI, he played the part of the pilgrim: in the guise of a humble king modelled upon Christ entering Jerusalem, he was able to transform royal entries. In 1463 he entered Brive mounted on a mule,

⁴¹ Pierre Chaunu, *Histoire économique et sociale de la France*, dir. Fernand Braudel and Ernest Labrousse, t. 1, *De 1450 à 1660*, vol. 1, *L'État et la ville*, dir. Pierre Chaunu and Richard Gascon (Paris, 1977).

⁴² Robert D. Sack, 'Territorial Bases of Power', in Alan D. Burnett and Peter J. Taylor, eds, *Political Studies from Spatial Perspectives: Anglo-American Essays on Political Geography* (Chichester, 1981), ch. 3.

⁴³ Yvonne Labande-Mailfert, 'Autour du traité de Senlis: La Bourgogne en question', in *Cinq-centième anniversaire de la bataille de Nancy (1477): Actes du Colloque de Nancy, 22–24 septembre 1977* (Nancy, 1979), pp. 249–68, esp. 264.

from a nearby village called Nazareth.⁴⁴ Monuments could give immortality to the 'performance'⁴⁵ of an entry. From the 1490s the effect of royal entries could also be prolonged thanks to the printing press. The Abbeville entry of 1492 was immortalized in a printed booklet in 1493.⁴⁶ Louis XI bought Ponthieu from the duke of Burgundy and imposed his presence on that county by means not only of repeated stays, but also images: a royal statue was placed on the façade of the collegial church of Rue, while a painting was offered as an ex-voto to Notre-Dame de l'Orée, with a legend recalling the king's visit in 1463.⁴⁷

Beyond the limits of communication policy, the political structure of the kingdom changed. The rise of an 'office society' multiplied the number of local intermediaries to whom the central government could turn. The greater number of royal regional power structures, governors and sovereign courts meant that the presence of the sovereign was felt nearly everywhere. During the reign of Louis XII, the jurisdiction of these structures covered the whole area where the king did not reside, according to a coherent territorial division. The Parlement of Paris disseminated its decisions first in Toulouse (1420/43), then to the conquered provinces (Normandy, Aquitaine, Burgundy, Brittany). Since the king's justice had remained united, all the Parlements made up a single Parlement, and all members of all Parlements were brothers. The king's fictitious mystical presence meant that he could 'sit' anywhere. Similarly, the title of king's councillor was given to officers regardless of whether or not they attended the Council. All together these formed a 'gigantic and mystical Council comprising all the faithful persons of quality of the kingdom'.⁴⁸ Rituals and theatrical stagings reinforced these ideas. At the Paris Parlement the first president ordinarily sat in the king's seat. Further away from the sovereign, in provincial Parlements, another type of symbolism expressed the absence/presence of the king in his Parlement. In Rouen, in the Échiquier set up in 1469 to mark the return of the duchy of Normandy to the Crown, there were two thrones. The president sat on the first of these, but the second throne remained empty in order to express the presence of the royal person.⁴⁹ The Échiquier became a permanent justice court in 1499. In the palace built by Georges of Amboise, the king's throne remained empty.⁵⁰ In Toulouse also the absence of the king was sublimated by the dignity of the

⁴⁴ Bernard Guenée and Françoise Lehoux, *Les entrées royales françaises de 1328 à 1515* (Paris, 1968), p. 183.

⁴⁵ Élodie Lecuppre-Desjardin, *La ville des cérémonies: Essai sur la communication symbolique dans les anciens Pays-Bas bourguignons* (Turnhout, 2004).

⁴⁶ David Potter, *War and Government in the French Provinces: Picardy, 1470–1569* (Cambridge, 1993), p. 9 n. 25.

⁴⁷ Sophie Cassagnes-Brouquet, *Louis XI ou le mécénat bien tempéré* (Rennes, 2007), p. 48; Gaussin, *Louis XI*, p. 403.

⁴⁸ Mikhaël Harsgor, *Recherches sur le personnel du Conseil du Roi sous Charles VIII et Louis XII* (4 vols, Paris–Lille, 1980), i, p. 213.

⁴⁹ Amable Floquet, *Histoire du Parlement de Normandie: Essai historique sur l'Échiquier de Normandie* (Rouen, 1840), p. 253.

⁵⁰ *Ibid.*, p. 348.

Parlement. In 1515 the frontispiece of the Toulouse chronicle of Nicolas Bertrand has the king sitting in the middle of his Parlement of Languedoc: this is clearly thought of as the location for his presence. The 'physical body' of the king had not been to Toulouse since the last visit of Louis XI in 1463, but his political body maintained justice in the city and was the foundation of its glory.

In Normandy and Burgundy the monarchy re-used the symbolism of the princely rings.⁵¹ The first mention of the use of such rings is negative: in Normandy the ducal ring worn by Charles of France was broken into pieces on Louis XI's order when he confiscated the duchy from his brother (1469): this expressed the end of Norman autonomy.⁵² In 1494, at the onset of difficult negotiations with Maximilian of Austria, Charles VIII went to Dijon in order to receive the ducal ring at the Abbey Saint-Bénigne.⁵³ The alliance with the province, which was recognized as a member of the kingdom, counterbalanced the absence of the king and the loss of the princes he had replaced. This also meant that the issue of the restitution of the duchy was not a subject for negotiation, since it was united to the king by a link as indissoluble as marriage. The political symbol of the ring could therefore express very different understandings of power: on the one hand, a practice of power which was no longer rooted in the centre but rested instead on regional autonomies (Charles VIII); on the other hand, an authoritarian practice with the king centralizing all decisions (Louis XI). In both cases, however, this gesture demonstrated the link between the duchy and the absent prince, regardless of geographical distance.

The area inhabited by the king diminished further under Charles VIII. The Regents first kept the young king away from Paris. Thereafter, he shared his time between the Loire Valley, Lyon and then Italy. This led to a repeat of the sharp criticisms made against the government of Charles VII, albeit in the milder form of a literary topos. Early on in the reign, the poet Guillaume Crétin wrote an epistle 'In the name of the ladies of Paris to the king'.⁵⁴ In the next few years, the complaint of the Parisian ladies deprived of the presence of their sovereign was staged again by several poets, in the context of the Wars of Italy. In 1499, the stay of the court in Lyon was the pretext for a poetical debate between the ladies of Paris and the ladies of Lyon, using poets as intermediaries.⁵⁵ The 'dictié adressant aux bourgeoises de Lyon' printed in 1501 in a Parisian collection

⁵¹ The French kings do not seem, however, to have been interested in the ring of Sainte Valérie of the dukes of Aquitaine.

⁵² Floquet, *Histoire du Parlement de Normandie*, pp. 252–7.

⁵³ Labande-Mailfert, 'Autour du traité de Senlis', pp. 263–5.

⁵⁴ Guillaume Crétin, *Chantz royaux, oraisons et aultres petitiz traictez*, ed. F. Charbonnier (Paris, 1527), pp. cxxvi–cxxix. The text does not mention Italy; it may therefore be dated from before 1494.

⁵⁵ Émile Picot, *La querelle des dames de Paris, de Rouen, de Milan et de Lyon au commencement du XVI^e siècle*, Mémoires de la Société d'Histoire de Paris et d'Île-de-France, 44 (Paris, 1917), pp. 38, 48, 57.

entitled *Jardin de plaisance*,⁵⁶ may be the work of Crétin.⁵⁷ This classical moralizing attack against female concern for appearances, and female vanity, is put into the mouth of Parisian Envy, facing the triumphant luxury of the ladies of Lyon, who are seducing the court. In 1515, Jean Marot wrote two texts in the vein of Crétin, this time attacking the beautiful ladies of Lombardy.⁵⁸

This poetical topos associates the geographical and the social dimensions of the absence of the king. Like the contemporaries of the Bourgeois of Paris, the Parisian ladies of Crétin are reduced to listening to rumours if they want to keep up with the movements of a king who shuns them. Will he be coming back before eight days? Is he leaving for Brittany? As in the ballad of the journey to Languedoc by Deschamps, the absence of the king is a source of disorder that makes the good subjects despair and the egotistic ones rejoice. Those who do not want the king to come back are thieves ('mutins') and pigs ('thouins') who are afraid of higher prices, and the rich people ('milourdz') who refuse to offer lodgings to courtiers. The ladies also protest against the downgrading of Paris to second place, complaining that provincial ladies with the appearance of animals have usurped functions proper to the ladies of the capital city, which is at the heart of courtly civilization:

Do love debates
Have to be judged by the goats of Blois?⁵⁹

The Parisian ladies also protest against the ill reputation of their city, which is not the court of Love it used to be. Instead it is a den of dirt and plague:

We thus swear that in Paris, no parish
Suffers from the plague – unless it is here and there,
But this is nothing.⁶⁰

The promise that follows is that the streets will be completely cleaned, but here the poem turns into a tongue-in-cheek satire on the dirt of towns as opposed to the cleanliness of the court. At the same time it evokes the second dimension of the king's absence: the social and sanitary marginalization of the bourgeois.

A century and a half later the consequences of the royal absence were the same as in Deschamps's work. But the king's absence was not a one-off incident.

⁵⁶ *Le Jardin de plaisance et fleur de rhétorique*, no. 421, fols 102v–103r, facsimile reproduction of the edition by Antoine Vêrard, 1501 (Paris, 1910), t. 1.

⁵⁷ *Ibid.*, t. II, *Introduction et notes*, ed. Eugénie Droz and Arthur Piaget (Paris, 1925), pp. 207–8.

⁵⁸ Jean Marot, *Les deux recueils*, ed. Gérard Defaux and Thierry Mantovani (Geneva, 1999), pp. 20–6: 'Epistre des dames de Paris au roy delà les mons'; *ibid.*, pp. 27–34: 'Epistre des dames de Paris aux courtisans de France'.

⁵⁹ Guillaume Crétin, *Chantz royaux*, p. cxxxvii: 'Fault il qu'amoureux plaitz / Pregnent ressort devan chievres de Blois.'

⁶⁰ *Ibid.*, p. cxxvii: 'Si te jurons qu'a Paris n'a paroisse / Ou peste soit, si non par cy par la / Mais ce n'est riens.'

The complaint has become elegiac, expressing the absence of hope. The new, multi-hub model of the kingdom that so troubles Paris has found its resolution in the literary form of the debate – here between towns or between women. This poetical staging was able to express what the official discourse could not put forward anymore. In the words of women, the criticism of royal itineration shifted from the political register to the courtly one. The public opinion of the Paris Basin did not have any kind of impact on the geography of royal power, which was now firmly settled. Instead, the inhabitants had to turn to poetry as a way to express their resentment at being downgraded, and the disjunction between their expectations and the reality of the space inhabited by the king – a reality adapted to the Crown's Italian ambitions.

At the beginning of the reign of Francis I, Parisian opinion seemed more ready to accept the way the king used his territory. The tone of the *Journal d'un bourgeois de Paris sous François Ier* is probably less free than that of the first *Journal*. This new *Journal* was started at the same time as Marot composed his poems, and it did not express any bitterness at the absence of the king. By exhibiting relics on the altars of the abbey of Saint-Denis on the eve of his Italian expeditions, Francis I was making allowances for the custom. The king was leaving Paris to go far away, for a long time, but this ritual confirmed that Paris was the place he departed from, and to which he intended to return: this ritual promise compensated for months of absence and for the dilated geography of royal power.⁶¹

Conclusion

Over a century and a half the French monarchy was transformed via a process of gradual strengthening, from a regime weakened by the succession crisis and the Hundred Years War, into a State of 'offices' with a strong expansionist streak. In this context the presence of the king was used as a major political tool. Charles V had contracted his itinerary in order to organize the recovery of the kingdom from the centre. On the other hand, Charles VII and Louis XI set up what we may term a form of nomadic government. In order to better govern two countries, Charles VIII and Louis XII reduced their itinerating lifestyle by delegating internal power. These transformations were keenly felt by the subjects, who perceived a link between the military and economic upheavals on the one hand, and the presence or absence of the king on the other. By extending their power in order to cover the whole of French territory, Charles VII and his successors were forced to make political as well as regional choices. The Loire Valley shifted from the periphery to the centre, while Paris continued its growth as a city of the State, but without the court. From that point on, the historian has to deal with contradictory discourses which are nonetheless linked: at court Parisian opinion clashed with that of the officers of central France. The documentation shows

⁶¹ *Journal d'un bourgeois de Paris sous le règne de François Ier*, ed. Ludovic Lalanne (Paris, 1854), p. 43.

that kingship had grown beyond the possibilities of personal government. The monarchy had become a proper State. Its architecture was made up of interlacing powers that were potentially competing; they were receiving orders from the king who federated them, and who expressed by his disputed presence the tangible element of national unity.

Was the Couple a Palliative to the Absence of the Prince? The Political Role and Influence of Margaret of Flanders during the Reign of Philip the Bold, Duke and Count of Burgundy (1384–1404)

MICHELLE BUBENICEK

Without doubt one of the main weaknesses of the ‘Burgundian State’ which was progressively built up by the Valois dukes of Burgundy was its dual structure: only the person of the prince could warrant its unity.¹ In this specific political context, the physical absence of the dynast was a real source of vulnerability. The first Valois duke, Philip the Bold (1363–1404), was all the more ‘absent’ since his political and dynastic ambitions often kept him in Paris, at the heart of royal government. This evolution became even more marked in the 1390s. At that time the governmental partnership formed by the princely couple – Duke Philip and his wife, the heiress Margaret of Flanders – seems to have been, on a daily basis and on the ground, an efficient palliative to the physical absence of the prince.

Two cases concerning the practice of power in the Comté of Burgundy should enable us to test the efficiency as well as the ideological and structural limits of this singular political construct. In order to do so we shall stress the problems linked to the circulation of information and to decision-making within the Burgundian state.

In absentia: The Absence of the Prince in the Specific Context of the Burgundian State

The geography and structure of the Burgundian State of the Valois dukes were obviously a source of fragility. Two blocks co-existed: the northern territories and the possessions which are properly termed Burgundian.² The duke’s demesnes

¹ The continued reluctance of specialists to choose once and for all between the two designations – ‘Burgundian State’ and ‘Burgundian states’ – is in itself an indication of the political and legal complexity of the territorial construct under consideration.

² There is a large bibliography on these matters. See especially Wim Blockmans and Walter Prevenier, *The Promised Lands: The Low Countries under Burgundian rule, 1369–1530* (Philadelphia, 1999), p. 103; Richard Vaughan, *Philip the Bold: The Formation of the Burgundian*

were undergoing a process of extension but they remained badly connected and only the person of the prince gave them some unity. Circumstances, however, meant that the duke was only occasionally present in each of the areas composing this motley assemblage. This was particularly true in the case of Philip the Bold, whose role in the central government of the kingdom required his constant presence in the capital, especially in the troubled context created by the illness of Charles VI from the summer of 1392.³ As a son, brother and uncle of kings, Philip the Bold was naturally close to the young Charles; this was not the case with his son, John the Fearless, whose rank was only that of first cousin of the king.⁴ This probably explains why Philip the Bold was more itinerant and, above all, more absent than any other prince. One may take the full measure of this by considering how rarely the duke was present in the southern parts of his estates, i.e. the Burgundian lands. Close study of the *Itinéraire* compiled by Ernest Petit is most instructive when it comes to the presence of the duke in Burgundy and, more precisely, in the Comté.⁵ During the twenty years of his official reign, Philip did not set foot there more than twice: first in the autumn of 1384, when he received in person the homage of his vassals from the *bailliage* of Amont at the castle of Gray;⁶ the second occasion was on 16 November 1393, in the imperial town of Besançon, when the duke was in the company of Archbishop Gérard d'Athies, who was about to be consecrated in office.⁷

In order to administer the Franche-Comté, Philip the Bold was happy to make use of the proximity of his residences in the duchy: the ducal palace in Dijon and his castles of Rouvres and Argilly.⁸ There his subjects from the Comté could reach him easily. A good example of this is the embassy sent by the city of Besançon

State (Woodbridge, 2002), ch. 6; Ernest Champeaux, *Les ordonnances des ducs de Bourgogne sur l'administration de la justice du duché* (Paris-Dijon, 1908), p. cxxvii; Andrée Van Nieuwenhysen, *Les finances du duc de Bourgogne Philippe le Hardi (1384-1404): Économie et politique* (Brussels, 1984), p. 46.

³ Vaughan, *Philip the Bold*, p. 39, stresses the fact that the duke then hardly left the capital of the kingdom.

⁴ As early as 1394, in order to reinforce the links between the Crown and his own descendants, the duke had negotiated the marriage of his grand-daughter, Margaret (daughter of John the Fearless), with the Dauphin Charles. After the death of Charles on 11 January 1401, Philip schemed in order to arrange the marriage between Margaret – instead of the daughter of the duke of Orléans – and the new Dauphin, Louis. At the same time, he planned the union between Philip, the son of John the Fearless, and Michelle, the eldest of the king's daughters, who were both still unmarried: Vaughan, *Philip the Bold*, pp. 90–2.

⁵ Ernest Petit, *Itinéraires de Philippe le Hardi et Jean sans Peur, ducs de Bourgogne (1363-1419) d'après les comptes de dépense de leur hôtel* (Paris, 1888).

⁶ The presence of Philip the Bold at Gray is attested by the *Itinéraire* reconstructed by Petit: the duke was at Gray-sur-Saône from 8 to 23 November 1384 (Petit, *Itinéraires de Philippe le Hardi*, p. 171).

⁷ *Ibid.*, pp. 234 and 546 (supporting documents).

⁸ Germolles was mainly the creation and the residence of the duchess of Burgundy. As for the duke, he had extended and transformed the ducal palace of Dijon: Van Nieuwenhuysen, *Les finances*, pp. 431–3.

to Argilly (just under 70 miles) in 1386 during the negotiations which led to the treaty concerning the keepership of the Comté.⁹ In fact, the stays of the duke in his duchy were the only moments when the subjects of the Comté could hope to have direct contact with him. Nevertheless, as Petit has well demonstrated, the duke's visits were fairly irregular.¹⁰ In the 1370s, Philip the Bold spent about half of his time in the duchy of Burgundy; in the 1380s, however, he did not spend more than two or three months a year there.¹¹

This nearly continuous absence of the prince from his Burgundian lands, and above all from the Comté, was compounded by that of the chancellor of Burgundy-Flanders, Jean Canard, who was the political 'double' of the prince. The attitude of the prince concerning the (Franche-)Comté of Burgundy – an imperial land characterized by a somewhat independent spirit – may reflect a deliberate policy of discretion designed not to hurt local sensibilities, but this explanation does not hold for the duchy. Whatever the case, the sovereignty of the prince was incarnated daily not so much by his physical presence as by his symbolic presence, by the display of his coats-of-arms or of the signs advertising his safeguard. There existed an obstacle to the exercise of princely authority, a situation the duke was fully aware of.

A Solution to the Absence of the Prince: The Duchess as Natural 'Governor'

On the morrow of the death of his father-in-law, Louis de Male (1384), the duke described lucidly the political situations of his lands, in particular the situation of the Comté of Burgundy. This suggests that he was already looking for solutions to compensate for the situation created by his absence, which was harming his interests:

Comme il a pleu a Nostre Seigneur apeller a lui de cest seigle feu nostre dit seigneur et pere, nous qui, *pour plusieurs grandes occupations, ne poons nous traire personnelment en nostre dit conté de Bourgogne* pour pourveoir et ordonner sur les besoignes qui en ycellui sont presentement a faire [...] ¹²

A natural solution was for the duke to delegate power locally to his wife, the duchess, or even to his son, the count of Nevers. Indeed, the Valois dukes – including Charles the Bold (1467–77) – regularly turned to their spouses to

⁹ On this essential political event, we take the liberty of referring to ch. 9 of our study, *Entre rébellion et obéissance: L'espace politique comtois face au duc Philippe le Hardi (1384–1404)* (Geneva, 2013).

¹⁰ The work of Petit, *Itinéraires*, indicates that the duke's stays in Burgundy were on the whole relatively infrequent. He spent most of his time in the capital or in its vicinity, and also frequently visited his Flemish lands.

¹¹ This fact did not escape the attention of Vaughan, *Philip the Bold*, p. 118.

¹² AD Côte-d'Or, B. 460: act dated 2 February 1384 (n. st.) at Corbeil concerning the oaths that the officers of the county swore to the new count of Burgundy.

compensate for their own absence as head of the Burgundian state, and to maintain governmental continuity.¹³ Let us consider more closely the practical form taken by this delegation of power during the reign of Philip the Bold.

In the Franche-Comté, as elsewhere, a large number of decisions were taken by Duchess Margaret, 'aïans en l'absence de Monseigneur le gouvernement [de ses] païs'.¹⁴ This was a very general delegation of power since it covered all the lands subjected to the duke. This must be distinguished from the delegation which concerned the duchy on its own, which Margaret seems to have obtained as early as 1369.¹⁵ The statement of this principle of delegation may be dated back to 24 October 1386: Philip the Bold, who was then about to leave for England with his nephew Charles VI, described precisely the contents of the attributions he conceded in his absence to his wife and – if needed – to his son John.¹⁶ In this act, the duke stressed the necessity of maintaining continuity of power because of the dangers and difficulties that could always disrupt his estates:

en nostre absence soit de nécessité de pourveoir au gouvernement, garde et deffense de nosdis païs et de nos bons subgiés, tant pour la fait de la justice, comme pour aucuns nos mauveillans, s'il advenoit qu'ilz s'efforçassent [de porter] dommage en nos dis païs ou aucun d'eulx, et pour les grosses besoignes qui en nos dis païs pourront survenir souvent en nostre absence [...]

¹³ On the reign of Philip the Bold see Vaughan, *Philip the Bold*, p. 114, who states that the duchess was able to exercise a kind of 'vice-government' over the whole of the Burgundian states. See also Jean Richard, 'Les institutions duciales dans le duché de Bourgogne', in F. Lot and R. Fawtier, eds, *Histoire des institutions françaises au Moyen Âge*, vol. 1: *Les institutions seigneuriales* (Paris, 1957), ch. IX, at p. 246 (Richard also notes that the duchess sometimes governed the Burgundian lands, but he confesses that he has not looked at this in depth). On the reigns of Philip the Good and Charles the Bold, see Paul Bonenfant and Jean Stengers, 'Le rôle de Charles le Téméraire dans le gouvernement de l'État bourguignon en 1465–1467', *Annales de Bourgogne*, 25 (1953), pp. 7–29 and 118–33; in 1421–2, Michelle of France, the wife of Philip the Good (1419–67), chose the title 'Michielle, fille du roy de France, duchesse de Bourgogne [...] ayant en absence et par l'ordonnance de Monseigneur le gouvernement de ses diz contés et pays de Flandres et d'Artois [...]'. During the Luxembourg war, in 1441, the regency was handed over to Isabelle of Portugal, the third wife of Philip the Good. She had a similar title. On the political role of Isabelle of Portugal, see Monique Sommé, *Isabelle de Portugal, duchesse de Bourgogne: Une femme au pouvoir au XVe siècle* (Lille, 1997).

¹⁴ The precise title, for instance in AD Doubs, B. 37 (document of 15 June 1391), is: 'Marguerite, duchesse de Bourgogne, contesse de Flandres, d'Artois et de Bourgogne palatine, dame de Salins, contesse de Rethel et dame de Malines, aiant en absence de Monseigneur le gouvernement des païs et lieux dessus dis [...]'.
¹⁵ Marguerite, duchesse de Bourgogne, aïens en absence de Monseigneur le gouvernement de son duché [...]: quoted by Bertrand Schnerb, *Aspects de l'organisation militaire dans les principautés bourguignonnes (v. 1315–v. 1420)*, thèse de 3^{ème} cycle de l'Université de Paris IV, dir. H. Dubois (3 vols, 1988), i, p. 51.

¹⁶ *Ordonnances de Philippe le Hardi, Marguerite de Male et Jean sans Peur*, ed. P. Bonenfant, J. Bartier and A. Van Nieuwenhuysen (2 vols, Brussels, 1965–74), t. 1, pp. 185–6, no. 126: act dated at Bruges.

The duke then stated more precisely that the delegation of power was mainly in favour of his wife, and that his son would only intervene in the case of an 'absence loingtaine' of his mother.¹⁷ Then the exact contents of the delegation are described:

chascun d'eulx [...] avons ordonné et establi, ordonnons et établissons nos *lieutenens generaulx et gouverneurs* de nos dis païs, villes, seignories et terres, tant qu'il nous plaira.

It is worth noting that the title conceded to Margaret of Flanders – and incidentally to her son John – is that of 'general lieutenant and governor', a very extensive appellation. This is most remarkable, since the military attributions of the 'general lieutenant' were generally disassociated from the more general tasks of government which were included in the title of 'governor'.¹⁸ It becomes all the more striking when one remembers that military attributions were never attributed to a woman. It is therefore noteworthy to see both titles used together and, what is more, to the benefit of the duke's wife. But is this that surprising? Philip the Bold held most of his lands on account of his wife's inheritance. Froissart tells us that her status as an heiress gave Margaret an exceptional position: the duke, he writes, being fully aware of what he owed her in terms of inheritance, would not dare to contradict her.¹⁹ When her husband was absent, the heiress of Flanders may have recovered *de facto et de jure* the political and military rights of the 'lord of the fief' that were naturally hers and which she had had to pass on to Philip after their marriage.

Whatever the case, the list that follows this exceptional title confirms the extent of the authority conceded to the duchess: she received full powers, including the nomination of officers,²⁰ ennoblement,²¹ the right to exercise grace,²² the holding

¹⁷ Ibid., p. 186: 'chascun d'eulx, c'est assavoir nostre dit filz en nos dis païs ou il seroit present ou prouchain d'iceulx, en l'absence loingtaine de nostre dicte compaignie [...]'.
¹⁸ Bonenfant and Stengers, 'Le rôle de Charles le Téméraire', pp. 16–17, notice that in 1465 Charles the Bold appeared as 'general lieutenant', not 'governor', while according to Olivier de la Marche he had received the title of 'governor' in 1454. The two titles were therefore still distinguished.

¹⁹ Jean Froissart, *Chroniques*, ed. J. Kervyn de Lettenhove (21 vols, Brussels, 1867–77), xiv (1872), p. 350: 'Celle dame de Bourgoigne dont je vous parle estoit bien dame, car le duc son mary ne l'eust point volontiers courrouchié, et bien y avoit cause, car de par la dame le duc tenoit grant foison de beaulx et bons et grans heritages, et si en avoit de beaulx enfans, en quoy le duc estoit plus tenus a elle'. For the contextualization of this situation, see Michelle Bubenicek, 'De l'image des femmes de pouvoir chez quelques chroniqueurs de France du Nord au XIV^e siècle', in J.-P. Martin, J.-P. Arrignon and Stéphane Curveiller, eds, *Le Nord de la France entre épopée et chronique: Actes du colloque international de la Société Rencesvals (section française), Arras, 17–19 octobre 2002* (Arras, 2005), pp. 209–24.

²⁰ '[...] avons donné et donnons par ces presentes puissance et auctorité de gouverner et faire gouverner bien et deuement la justice de touz nos païs, terres et seignories, de creer et instituer s'il est mestier en iceulx officiers comme conseillers, baillis, prevos, procureurs, capitaines chastellains, esleus, receveurs et autres officiers necessaires et convenables [...]'.
²¹ '[...] de personnes nonnobles anoblir.'
²² '[...] de remettre et pardonner delis, crimes et malifices, de rappeler bans de loy.'

of the Parlements of Beaune and Dole,²³ the administration of ducal finances,²⁴ military operations,²⁵ and the levy of aids.²⁶ Like those of the duke, the general acts of the duchess, 'general lieutenant and governor', still had to be sealed with the great seal kept by the chancellor.²⁷ The document concludes with a reminder of the importance of this particular minister, whose role should not be diminished because of the interim role occupied by the duke's wife:

et en oultre voulons que nostredit chancelier exerce son office en telle puissance et auctorité comme il fait a present et a fait depuis qu'il fut promeu en l'office de nostre chancelerie *et qu'il feroit se presens estions en un de noz dis païs, sans aucune restraite ne diminution.*

This dependency of the duchess upon the duke's chancellor could raise practical difficulties, as we shall see further on.

The ordinance of 24 August 1386 was accompanied by instructions which clarified a number of points.²⁸ The titles of both mother and son were detailed, as well as the contents of the *extra sigillum* notes. For instance, acts of political significance had to bear a mention telling whether the decision had been taken by the young count of Nevers or by Duchess Margaret, as well as giving the names of the councillors who had backed it.²⁹ The duke was probably anxious to ensure the 'traceability' of major political decisions. Above all, the instructions stressed the importance of the advice given by the Council, in particular for difficult questions: '*es besoingnes notables* ma dicte dame et ledit monseigneur le conte, chascun endroit soy, useront du *conseil* que mon dit seigneur leur laisse et leur a ordonné en ses païs.'

Auxiliaries and Intermediaries for the Authority of the Duchess in the Comté

The duchess could rely on the Council of Dijon, whose jurisdiction covered the whole of the Burgundian lands. She could also rely on two major auxiliaries of princely authority: the guard-governor and the *bailli* of the Comté.

²³ '[...] de faire tenir nos parlemens de Beaune et de Dole.'

²⁴ '[...] de faire lever et recevoir les finances qui nous sont et seront deues en nos dis païs, terres et seignories et de les faire employer a nostre proufit au mieulx qu'il pourra estre fait.'

²⁵ '[...] de mander et assembler s'il est mestier gens d'armes et arbalestiers en tel nombre que les cas le requerront, de leur ordonner capitaines, etc.'

²⁶ '[...] de demander et requerir pour nous et en nostre nom [...] aides et subventions en nos dis païs et terres, telz que bon leur semblera [...]'].

²⁷ 'Voulons aussi et ordonnons que es lettres qui seront passees par nostre dicte compaignie ou nostre dit filz comme lieutenens, ilz parlent en leurs noms et comme nos lieutenens *et qu'elles soient seellees de nostre seel que garde nostre chancelier quant il sera es païs ou il seront.*'

²⁸ *Ordonnances de Philippe le Hardi*, ed. Bonenfant, Bartier and Van Nieuwenhuysen, no. 127, pp. 187–8: undated parchment.

²⁹ *Ibid.*, p. 187: '*Item, que les lettres qui toucheront grans besoingnes et notables* seront signees: "Par madame" ou "Par monseigneur le conte, ouquel estoient telz et telz".'

We should draw a distinction between governors with general attributions – these included, as we have just seen, the wife of the duke – from those to whom was devolved the purely military role of ‘iron man’ responsible for maintaining order.³⁰ On several occasions in the first half of the fourteenth century, during the controversial government of Odo IV (1315–47), the Franche-Comté had been administered by this type of governor, who had the military power of defending and pacifying the province, and who held the title of ‘guardian of the Comté’. It was customary to hand this charge over to a member of the local nobility in the hope of neutralizing potential opposition. Similarly, as early as 1379, Philip the Bold had nominated a ‘general captain of the Comté’ in the lands of the Comté placed under his administration: this was the *écuyer* Jean Darbo, who remained in office until 1391. Before 1384, Jean Darbo was placed under the authority of Guy de Pontailler, the governor of the duchy. After that date he was to account to Jean de Ray, who had already been nominated ‘guardian of the county’ by Countess Margaret and who in 1384 was renewed in his office by Philip the Bold.³¹ In 1391 Jean de Ray was replaced by Jean de Vergy, lord of Fouvent, hereditary steward of the duchy, and he became ‘governor’ of the Comté.³² From 1391, military duties in the Comté were handed over to a single individual, Jean de Vergy. The lord of Fouvent concentrated in his hands the attributions that had first been allotted as much to the ‘general captain’ as to the ‘guardian’. In 1401, this went even further when Jean de Vergy also became marshal of Burgundy.³³

The military attributions of the ‘guardian and governor of the county’ were quite clear during the political crises that troubled the Comté during the reign of Philip the Bold. The attributions of Jean de Vergy were not restricted to military command. One only needs to look at the ‘diary’ of the lord of Fouvent – which has survived for the period from his nomination as governor of Burgundy until 1395 – in order to understand the significance of the role of this new auxiliary

³⁰ Schnerb, *Aspects de l'organisation militaire*, ch. II (‘Les pouvoirs militaires délégués’); see also Jean Richard, ‘Le gouverneur de Bourgogne au temps des ducs Valois’, *Mémoires de la Société pour l'Histoire du Droit et des Institutions des anciens pays bourguignons, comtois et romands*, 19 (1957), pp. 101–12, which cites the example of the lord of Sombornon, general captain of the duchy, who was also sometimes designated by the title of ‘governor’ (c. 1370).

³¹ By letters given at Lille on 8 May 1384, Jean de Ray was instituted ‘gardiaîn du conté de Bourgogne’ by the duke: AD Côte-d’Or, B. 1472, fol. 28v.

³² The nomination of Jean de Vergy as governor of the Comté dates precisely from 6 November 1391, as the following mention attests: ‘[1391] *Item*, retourna le 27^e jour d’octobre ensuivant dudit Dijon a Argilli, par le commandement de mon dit seigneur, et y demoura jusques au 6^e jour de novembre ensuivant inclux, qu’il fut receu gouverneur de la dicte conté de Bourgogne’: AD Côte-d’Or, B. 1503, fol. 41v.

³³ Bertrand Schnerb, *L'Honneur de la maréchaussée: Maréchalat et maréchaux en Bourgogne des origines à la fin du XVe siècle* (Turnout, 2000), p. 68: the patent letters containing the act of nomination date from 3 January 1401 (n. st.). It seems, however, that Jean de Vergy’s appointment resumed the Burgundian tradition of a ‘governor’ delegated by the prince, with large attributions – and not only military attributions – as his title shows: in 1394, for instance, the lord of Fouvent was also said to be ‘guardian and governor of the county’: Schnerb, *Aspects de l'organisation militaire*, p. 54.

of the duke.³⁴ There Jean de Vergy appears as a kind of omnipotent minister, in turn ambassador of the prince for international affairs,³⁵ close adviser of the duchess on political affairs, and military commander. The lord of Fouvent was obviously one of the communication channels that the princely couple frequently used for long-distance consultation on tricky matters, such as the guard of the imperial city of Besançon, the scheduled resignation of Archbishop Guillaume de Vergy³⁶ or the rebellion of the great vassal Jean III, lord of Chalon-Arlay. In particular, Jean de Vergy seems to have transmitted oral (perhaps secret) instructions completing the written orders given in the correspondence.³⁷

Locally the absent duke could be replaced by his wife: the duchess 'aient le gouvernement' of his lands. But the duchess did not reside permanently in their Burgundian possessions, either. It was therefore necessary for a trustworthy man to be locally in the service of the prince, a man who would be able to take decisions and above all to collect and report information: this was the role of Jean de Vergy, the 'guardian and governor of Burgundy'. Nevertheless, the frequent presence of Duchess Margaret in the neighbouring duchy made his position tricky. He obviously had to find his place, in order not to encroach upon the prerogatives of the duchess who was, as it were, the natural governor of the Comté.

On the ground, the decisions of the prince and his wife were transmitted by the *baillis*, their natural auxiliaries. From at least the early fourteenth century, the county of Burgundy was subdivided into two *bailliages*: Amont in the north, Aval in the south. The existence of two separate lists of *baillis* matching the two circonscriptions is not attested before the very end of the fourteenth century. In the first half of the fourteenth century in particular, the count's authority rested to a large extent on a kind of general 'bailliage' that included both Amont and Aval. This office was usually in the hands of the *bailli* of Amont, the 'bailliage' of Aval being handed over to a lieutenant who was placed under the authority of the *bailli* of Amont. In the first years of his government in the Comté, Philip the Bold seems to have resumed this practice. Until 1394 sources only mention a 'bailli of the Comté', with no additional information: first Guillaume, sire of Beaumont, and then the chevalier Jean de Ville-sur-Arse, who was sometimes called the 'bailli of Amont'. The mention of the nomination of Jean in ducal letters dating from Lille on 17 April 1384 (n. st.) expresses clearly the general nature of this jurisdiction: 'A messire Jehan de Ville sur Arce, chevalier, chambelenc de Monseigneur et son bailli du conté de Bourgogne, institué oudit office par

³⁴ AD Côte-d'Or, B. 1503, fols 41v–45. I am preparing an edition and commentary of this 'diary'.

³⁵ On 30 April 1392, for instance, Jean de Vergy went in the company of the duchess 'à la venue de monseigneur d'Autriche': this was at the height of the preparations for the wedding of the young Catherine of Burgundy with Leopold, the son of the duke of Austria.

³⁶ At the behest of Philip the Bold, Guillaume de Vergy had just been made a cardinal, in order to facilitate the 'resignation' of the prelate from the metropolitan see of Besançon.

³⁷ See for instance the following mention: 'pour venir devers ma dicte dame qui venoit de France, pour parler a elle de certaines besognes dont mon dit seigneur lui avoit escript'.

lettres de Monseigneur [...].³⁸ This shows that even before the nomination of Jean de Vergy to the wide responsibility of 'guardian and governor of the county', the duke had already chosen to concentrate local jurisdictions. It is tempting to compare the nomination of the chevalier Jean de Ville-sur-Arse – the duke's chambellan and former *bailli* of Chalon-sur-Saône³⁹ – to the office of 'general *bailli*' provided with a large jurisdiction with that of 'sovereign *bailli*' of Flanders, an office created by Louis de Male in 1372.⁴⁰ The strengthening of existing institutions may reflect a concern for efficiency: this also appears in other nominations made at the time, such as that of Jean Canard, 'general' chancellor of Burgundy-Flanders and beneficiary of a near general delegation of power by the prince from 1388.⁴¹

Finally, the physical absence of the prince could be mitigated by providing local councils with greater autonomy so that they could take over from ducal authority. The council whose jurisdiction encompassed the whole of the Burgundian states was the 'Council of Dijon', which was mentioned in the 1386 ordinance. In the same year, Philip the Bold instituted two 'council chambers' for the whole of his estates, whose jurisdictions were, respectively, the 'pays de par deçà'⁴² and the 'pays de par delà'.⁴³ The remit of these councils was multifarious – political, judicial, financial – without specialization.⁴⁴ Councillors provided with general attributions, and 'masters of the accounts', sat on the Council of Dijon. Worthy of note is the fact that Philip the Bold, who was steadfast in his will to maintain governmental continuity,⁴⁵ introduced into the Dijon Council several councillors from the county who were 'confirmed', i.e. who were already sitting on the Council of

³⁸ AD Côte-d'Or, B. 1472, fol. 28v. When a particular *bailliage* is referred to, the *bailli* is said to be 'bailli du comté, ou baillige d'Amont [Aval]'.
³⁹ AD Côte-d'Or, B. 460: Jean de Ville-sur-Arse is said to be 'bailli de Chalon sur Saone', on 22 February 1384.

⁴⁰ On the Flemish context see Henri Nowé, *Les baillis comtaux de Flandre, des origines à la fin du XIV^e siècle* (Brussels, 1930).
⁴¹ Pierre Cockshaw, *Le personnel de la chancellerie de Bourgogne-Flandre sous les ducs de Bourgogne de la maison de Valois (1384–1477)* (Courtrai-Heule, 1982), p. 13.

⁴² Ordinance of Lille, dated 15 February 1386: Richard, 'Les institutions ducales', p. 220.
⁴³ Ibid.: ordinance of Dijon, dated 11 June 1386. Placed above these local councils, the great Council still followed the duke on his travels.

⁴⁴ In particular there was no clear separation from the accounting chamber – most of the time, the councillors and the masters of the accounts sat together, and the ordinance of 11 July 1386 about the accounting chamber of Dijon did not modify this situation: Schnerb, 'L'activité de la chambre des comptes de Dijon entre 1386 et 1404 d'après le premier registre de ses mémoriaux', in *La France des principautés: Les chambres des comptes, XIV^e et XV^e siècles; Colloque tenu aux archives départementales de l'Allier, à Moulins-sur-Yzeure, les 6, 7 et 8 avril 1995* (Paris, 1996), pp. 55–64, at 56. On the non-specialization of the council, see Vaughan, *Philip the Bold*, pp. 116–19, or Richard, 'Les institutions du duché', p. 220 n. 2.

⁴⁵ Concerning the household, it has been shown that Philip the Bold had kept in his service a large number of members from the household of his father-in-law, Louis de Male: Malcolm Vale, 'Introduction to the 2002 Edition', in Vaughan, *Philip the Bold*, pp. xi–xxvii, at p. xxiv.

Countess Margaret.⁴⁶ Obviously, when it came to the Council and the regional Parlements, which were its natural extensions, the duke's intention was to ignore the border of the Saône. The same narrow circle of councillors was deemed to have competence in the duchy as well as in the Comté, and this fits the policy to unite them within the same administrative block. In any case, the prince scrupulously followed the advice of the Council, which was staffed with specialists. In 1394, for instance, he gave up his project of forbidding the circulation of money other than his own in the Comté, following the advice of the Council of Dijon.⁴⁷ In the ordinance for delegation of 1386, as we have seen, the duke insisted on the necessity of Duchess Margaret's taking counsel, and this referred explicitly to the Dijon Council.

The Dijon Council sat regularly, whether in the presence or in the absence of the duke. Most often the councillors met in Dijon, in the room of the accounting chamber. This institution, however, was still itinerant, and met at Chalon, Beaufort and Saint-Jean-de-Losne.⁴⁸ In the absence of the duke it was presided over by his chancellor, Jean Canard. However, as the reign came to a close, the duke, his chancellor and even the duchess resided less and less in Burgundy. After 1396, neither Philip the Bold nor Jean Canard set foot in the duchy; after 1398, Margaret rarely left Artois.⁴⁹ Contact with the ducal authority being reduced to exchanges in writing, the Council of Dijon enjoyed near autonomy.

This is most probably the context for the fairly extensive office of the 'president' of the Dijon Council as well of the Parlements of Beaune and Dole. On 30 September 1400, this office was filled by Antoine Chuffaing, a high-flying jurist from Mâcon. Antoine Chuffaing was a doctor in law; he was retained by the duke with an annual fee of 300 gold francs, as 'conseiller et president de son conseil, comme en ses parlements de Beaune et de Dole et aussi de ses auditeurs dudit Beaune, et partout ailleurs ou il appartiendra ou païs de Bourgogne [...] pour mieux avoir et plux honorablement soustenir son estat et service'. The retaining of Chuffaing specified his obligation of residence in Dijon.⁵⁰ Obviously the concentration of powers to the benefit of this lawyer was meant to counterbalance the physical absence of the duke and his wife from their Burgundian lands, this time in the context of political and legal affairs.

⁴⁶ Ansel de Salins, Humbert de la Platière, Thibaut de Rye, Eudes de Quingey, Jean de Molprey, abbot of Baume, who joined the councillors of the duchy, including master Jean Couiller, dean of the Sainte Chapelle of Dijon, Mathieu de Beuzon, *bailli* of Chalon, Dreux Félice, bachelor of law, Jean de Verranges, governor of the duchy's chancery, the masters of the accounts André Paste and Nicolas le Vaillant. With the exception of the masters of the accounts, the same councillors – from the duchy and from the Comté – sat on the Parlement of Dole from 1386.

⁴⁷ Louis Lièvre, *La monnaie et le change en Bourgogne sous les ducs Valois* (Dijon, 1929), p. 37.

⁴⁸ Champeaux, *Les ordonnances des ducs de Bourgogne*, p. cxxviii and n. I.

⁴⁹ Vaughan, *Philip the Bold*, p. 118, and Petit, *Itinéraires*.

⁵⁰ AD Côte-d'Or, B. 4450, fol. 33: '[...] et parmi ce sera tenuz de faire sa residence et demorance en la ville de Dijon [...]'].

Governing in the Absence of the Prince: Two Case-Studies

On 23 October 1386, Philip the Bold had put into place the principle of a general delegation of power to Duchess Margaret. Locally, however, the authority of the duke as well as that of his spouse remained dependent upon efficient auxiliaries who were able to take over in the absence of the prince. It remains to be seen how the circulation of information and the responsibility for decision-making were actually organized in this context. Two cases – the murder of Guillemin Faguiet (1391–3) and the tolls levied in the Comté by the lord of Chalon-Arlay (1391–1402) – are sufficiently long and documented to allow us to check the efficiency of the decision-making institutions set up by the duke of Burgundy. One may also gauge the obstacles to their functioning. Naturally there are limits to this study: the area considered here is restricted to the Comté of Burgundy during the reign of Philip the Bold, and the study rests on two cases that have been chosen for their coherence and content. Nevertheless, the information they offer is quite revealing about the consequences of the absence of the duke and the devices that were set up to mitigate it.

The murder of Guillemin Faguiet

On 23 April 1391, the agents of Jean III of Chalon-Arlay, one of the most important vassals of the Comté, murdered Guillemin Faguiet, a sergeant of the duke then on duty. This was a highly public and political act and was clearly meant to test ducal authority as well as that of the intermediaries involved in the enforcement of the duke's policy. It is therefore relevant, in the context of this study, to connect the precise steps in the treatment of this case with the level of the effective presence of the duke in Burgundy, at a time when he was increasingly absent from this part of his estates.

In 1391, Philip the Bold spent the first fortnight of February in the duchy.⁵¹ Coming back from Avignon he stayed there again for a few days.⁵² But it was from late September that he resided for the longest period in Burgundy. He was in Rouvres on 22 September and then stayed in Burgundy until early December.⁵³ The next year (1392), however, he did not visit Burgundy at all, preferring to share his time between his various Flemish lands, where he spent the first six months of the year, and (from July) the rest of the kingdom. In August 1392 the expedition of Le Mans took place, with the episode of the king's madness, and during the following months the prince dedicated his whole time to the care of royal government.⁵⁴ Towards the end of May 1393 he was able to stay briefly in

⁵¹ Petit, *Itinéraires*, p. 224: the duke was in Rouvres on 10 February, in Dijon from 13 to 15 February, in Beaune on 16 February. He then left for Savoy.

⁵² *Ibid.*, p. 225: the duke was in Dijon on 28 and 30 May.

⁵³ *Ibid.*, pp. 225–6: Philip the Bold was in Cambrai on 6 September, in Rouvres on 22 September. On 4 December, he is mentioned as being in Rouvres. On 19 December, however, he was in Montrichard.

⁵⁴ *Ibid.*, pp. 226–30.

the duchy.⁵⁵ He then came back for a longer stay, from August to November.⁵⁶ Finally, from January to March 1394, Philip the Bold resided either in the region around Paris or in his Flemish lands.⁵⁷

During the whole of 1391, therefore, the duke was relatively frequently in Burgundy: it is probably the Faguiet case which explains this. Freshly arrived from Avignon, where he was still staying when the murder of his sergeant took place, Philip the Bold was in Dijon in order to draw the lessons from the first questionings, from 20 to 22 May: the extent of Jean III of Chalon-Arly's involvement in the death of Guillemin Faguiet was then already apparent. On 26 May the duke, clearly shocked by what he described as a 'crime of lese-majesté' against himself, summoned the lord of Arly to Dole for 15 June, before a special court presided over by the duchess.⁵⁸ On 30 May, he also ordered his *bailli* and the general captain of the Comté to arrest the only eyewitness to the sergeant's murder. It was the prince who personally launched the 'Faguiet case' by deciding to take action, once the nature and extent of the crime had been revealed by the preliminary enquiry.

During the next four months, Philip the Bold was rarely absent from the duchy. How was the judicial action organized? It is intriguing that the role of Duchess Margaret, whose title was that of a 'governor' with a general jurisdiction ('Marguerite, aiant en l'absence de Monseigneur le gouvernement de ses païs'), was quite limited. On 15 June, following the recommendation of her husband, the duchess attended the trial of Jean III of Chalon-Arly in her court in Dole and sentenced him *in absentia*, before summoning him again for 4 July. About the same time she also led the enquiry into the supposed treason of the ducal procurator Perrenet de l'Orme, who may have informed the lord of Chalon-Arly about the progress of the case.⁵⁹ Around her sat the usual councillors of the duchy and of the Comté,⁶⁰ but also a few nobles close to the duke, whom we may presume had been placed there deliberately by him: Guy de Pontailler, Marshal of Burgundy, and Bertaut de Chartres. During the four-month absence of Philip the Bold, the *bailli* Jean de Ville-sur-Arse and the general captain Jean

⁵⁵ Ibid., p. 232: the duke was in Dijon from 25 to 30 May.

⁵⁶ Philip the Bold took advantage of this stay of three months to solve two important issues: first, the wedding of his daughter Mary of Burgundy with Amédée VIII of Savoie, which took place in Chalon on 30 October (on this marriage see Vaughan, *Philip the Bold*, p. 89); second, on 16 November, the duke was with the new archbishop of Besançon, Gérard d'Athies, for his official entry into the town (ibid., pp. 233–4).

⁵⁷ Petit, *Itinéraires*, pp. 234–5.

⁵⁸ '[...] lesquelles choses sentent nature de crime de lese majesté et crime commun capital [...]', an act dated at Dijon, 26 May, under the 'scl secret du duc en l'absence du grant': AD Doubs, B. 37.

⁵⁹ Perrenet de l'Orme may have betrayed the secrecy of the judicial enquiry in regard to the role played by Jean III of Chalon-Arly in the murder of Sergeant Faguiet, by giving an account of the progress of the case to the interested party.

⁶⁰ Jean de Ray, guardian of the county; Thibaut de Rye, a knight; or the two jurists, Dreux Félice and Gérard Basan.

Darbo, who were in charge of dealing with the Faguier case, wrote their reports exclusively to the duke and they took their instructions only from him, telling him in great detail, for instance, about the failure to take Chalamont, one of the fortresses of the rebellious lord, or again about the circumstances surrounding the hanging of one of Jean's henchmen.⁶¹

With Jean of Chalon jailed in the capital in the summer 1391, the duke was finally able to come back to Burgundy in late September in order to finish the business. The lord of Arlay was questioned in the fortress of Vantoux-lès-Dijon on 14 October, that is to say at the very moment Philip the Bold was residing in his duchy, perhaps in Vantoux itself.⁶² The identity of some of the judges in charge of the close questioning of the prisoner does not leave any doubt as to the proximity of the prince, since these were councillors whose activity normally took place in Flanders and who seem to have belonged to the great council which travelled with the duke.⁶³ They were Jean de Poucques, captain of Oudenarde, castellan of Lille and steward of the duke's household in Lille,⁶⁴ and Pierre Blanchet, secretary, 'maître des requêtes' and member of the Council of Flanders, but whose activity was very much centred on Paris.⁶⁵ In Vantoux they both sat together with two Burgundians, Jacques de la Jasse, *bailli* of Dijon, and Jean de Verranges, governor of the duchy's chancery for contracts.⁶⁶ Having let the pressure increase for a fortnight concerning the fate of Jean III of Chalon-Arlay, the duke finally obtained, in early November, the surrender of the imperial fortress of Jougne from Jean's wife. Throughout the crisis opened by the murder of the sergeant Faguier, and in spite of distance, Philip the Bold was in fact never very far away. Clearly, even when the duke was absent, he remained informed about the case in minute detail thanks to a close correspondence with his local agents, who were empowered with large attributions. In this context, the role of the 'general *bailli*', Jean de Ville-sur-Arse, seems to have been decisive, much more so than that of the guardian, Jean de Ray. The situation may be explained by the fact that the latter was then about to leave his office, although it may be that inefficiency on his part in the Faguier case led to his dismissal at the end of the year: on 6 November 1391 he was replaced by Jean de Vergy as guardian. Whatever the case, the role of the duchess of Burgundy (although provided with full powers) and the Council of Dijon seems to have been secondary in this major political

⁶¹ AD Doubs, B. 37: the *bailli* and the general captain give an account to the duke about the failure to take Chalamont (7 June 1391); and a new report of the *bailli* to the duke about the execution of Jean Breton.

⁶² Unfortunately, Petit, *Itinéraires*, p. 226 (October 1391), cannot give any precise detail about where the duke resided on 14 October. On 11 October, he was in Germolles, probably with his wife. On 23 October, he appears to have been in Beaune.

⁶³ The presence of this great Council is attested as early as 1384. The duke summoned the councillors wherever he went in order to decide on important political matters (Van Nieuwenhuysen, *Les finances*, p. 48).

⁶⁴ Vaughan, *Philip the Bold*, p. 275.

⁶⁵ *Ibid.*, pp. 142 and 263.

⁶⁶ Cockshaw, *Le personnel de la chancellerie*, p. 56.

affair, in particular at decision-making level. They were efficient, however, in maintaining the power of the prince locally, in fact as well as symbolically. Meanwhile, the *bailli* Jean de Ville-sur-Arse, backed by the general captain Jean Darbo, were also very active as informers.

A last detail of the Faguiet case confirms the low autonomy of Duchess Margaret in the Burgundian territories. This was the way in which the nomination was arranged for the post of head chaplain of the expiatory chapel founded for the salvation of Faguiet's soul at La Chapelle d'Huin. In the letter of remission which was finally conceded to Jean of Chalon-Arlay in January 1393, it was stated that the right to confer the chantry belonged to the duke.⁶⁷ Before leaving the duchy in early December 1391, Philip the Bold had in fact already chosen the future incumbent by nominating a priest called Guillaume Pourcelot, a kinsman of the murdered man. Unfortunately, the letter of nomination, dated 21 November, which the duke's secretary, Jean Le Mol, had properly drafted, had never been sealed, since the duke 'se partit tost apres la concession d'icelles pour lui aller en France'. Furthermore, 'son chancelier n'estoit point lors par deça, ne a depuis esté'. In fact, any act of the duke or duchess 'ayant le gouvernement' had to be sealed with the great seal kept by the chancellor of Burgundy-Flanders, Jean Canard.⁶⁸ In his absence, the duke could use his 'scl secret',⁶⁹ but this was not the case with the duchess. When she had to deal with the complaint of the beneficiary of the chantry's conferment, who wished to take possession of his office, the duchess, 'ayans en absence de Monseigneur le gouvernement de [ses] pays', had no choice but to concede personally to the applicant the possession of his office, though she did so only provisionally. In the order given to the *bailli* of Aval to hand over the office, it was stated that in case the duke were to change his mind, the priest would have to refund the sums received.⁷⁰

⁶⁷ AD Doubs, B. 37: letter of grace of January 1393 (n. st.): '[...] ledit de Chalon sera tenuz de fonder une chapellenie de vint livres estevenanz de rente, amortie en l'église parrochial de la dicte Chapelle de Huyn, ou demoureroit ledit feu nostre sergent, et de la garnir de aournemens, livres, calices et autres choses necessaires a ycelle, pour y chanter trois messes chascune sepmaine pour le remede et salut de l'ame dudit feu nostre sergent, dont la collation nous appartendra et a noz successeurs contes de Bourgoigne.'

⁶⁸ The union of the two chanceries (Burgundy and Flanders) to the benefit of Jean Canard was effective in 1387: Cockshaw, *Le personnel de la chancellerie*, p. 12.

⁶⁹ *Ibid.*, pp. 58–9, notes that under the Valois dukes of Burgundy the frequent absence of the chancellor of Burgundy-Flanders, who was in possession of the great seal, led to the secret seal often being used to seal documents. This secret seal was in the keeping of the first chamberlain of the duke, who was also in charge of his personal security. During the Faguiet case there is proof of the use of the secret seal: two acts of the duke dated Dijon 26 May and 30 May 1391 are actually sealed 'sous nostre seel secret en l'absence du grant' (AD Doubs, B. 37).

⁷⁰ AD Doubs, B. 37 (act of 22 March 1394, n. st.): 'Pourquoy nous, ces chouses consideré, vous mandons que se il vous appert des dictes lettres de Monseigneur, vous faictes et souffrez ledit exposant joir et user paisiblement des revenues appartenanz a la dicte chappellenie selon la forme et teneur des lettres de mon dit seigneur, nonobstant qu'elles ne sont scellees, jusques au premier jour d'aoust prouchain venant, car ainsi le voulons nous estre fait, et audit

Several conclusions may be drawn from this settlement. First, one notes that the *bailli* of Aval resisted the handing over of the chantry since the ducal act had not been sealed. The duchess was forced to make a show of her sovereignty, and to adopt an imperious, commanding tone in order to override the absence of the ducal seal: 'vous mandons [...], *car ainsi le voulons nous estre fait*, et audit exposant l'avons octroyé *de grace especial*'. This small detail about the sealing reveals the extent of the practical difficulties encountered by a 'gouvernement en l'absence de Monseigneur'. Since the chancellor – who was a kind of 'double' of the prince, and who was the only one to benefit from a delegation of near-total power⁷¹ – was almost as frequently absent as the prince, any important decision which the duchess had to take locally could be delayed by the resistance of officials. This naturally checked her action and raised the issue of the efficacy of the delegation that had been conceded to her.

The tolls in the Comté

The case of the tolls in the Comté reveals another aspect of the mechanism of decision-making at the turn of the fourteenth century, when the duke as well as the duchess tended to reside less and less in Burgundy. The case lasted over ten years but one may distinguish two phases. The first covers the years 1391–9: during this period Duchess Margaret took the initiative. The second – which corresponds to the first six months of 1402 – peaked with a crisis that was mostly dealt with by the Council of Dijon.

In the early 1390s the duchess was still regularly present in her Burgundian lands. In 1391 for instance – which was also the year of the Faguiet case – the duchess 'governed' intermittently during the absence of her husband: most of January,⁷² and from at least mid-June⁷³ until late July.⁷⁴ This happened again during the first six months (or most of that period) of 1394, when Margaret and her children did not leave the duchy.⁷⁵ Finally, she also governed for most of 1395.⁷⁶ In this

exposant l'avons octroiez et ouctroions par ces presentes de grace especial, pourveu qui vous baille caution de restituer ce qui recevra des dictes revenues, ou cas que ses dictes lettres ne pourroient estre seellées ou que mon dit seigneur auroit donné a autre la dicte chappellenie.'

⁷¹ Cockshaw, *Le personnel de la chancellerie*, p. 8, uses the expression 'vice-duke' to mean the chancellor of Burgundy-Flanders. Since 1388 Canard had indeed benefited from a near general delegation of power by the prince (*ibid.*, p. 13).

⁷² Petit, *Itinéraires*, p. 224, notes that for the whole of January the duchess 'governed at Rouvres'. Nevertheless, the first act of Margaret concerning the case of the tolls is dated in Dijon (20 January 1391, n. st.).

⁷³ Indeed, on 15 June, the duchess was presiding over the Dole court which was going to hear Jean III of Chalon-Arly in the case of the murder of Sergeant Faguiet.

⁷⁴ After Petit, *Itinéraires*, p. 225: the duchess was in Germolles on 27 July, where she 'gouverne en l'absence du duc'.

⁷⁵ *Ibid.*, p. 550: 'Depuis le commencement de l'année jusqu'au 18 juin 1394, la duchesse et ses enfants ne sortirent pas de Bourgogne' (document from the collection of Burgundy in the BnF, edited by Petit).

⁷⁶ Acts of Margaret 'ayans en absence de Monseigneur le gouvernement des païs et lieux dessus diz', given on 13 January 1395 (n. st.) (AD Doubs, B. 457) and on 14 November 1395 in Dijon (AD Doubs, B. 430).

context, Margaret of Flanders, 'ayant le gouvernement en l'absence de Monseigneur', solved by herself the case of the toll recently created at Champagnole by the lord of Arlay. Her decisions were, however, always backed by the Council of Dijon, for instance on 20 January 1391.

The case of the toll had just started. Since Christmas the agents of Jean III of Chalon-Arlay had again begun to collect 'certain trehu' (toll) on the merchants and drivers going through Champagnole. The duke being in Paris, the duchess ordered all the officers of the Comté to forbid this levy. The *extra sigillum* mention tells us that her decision was taken in particular on the advice of the dean of the Dijon chapel, the *bailli* of Dijon and the jurist Dreux Félice. The issue was revived nearly four years later: in spite of his recent imprisonment, the lord of Arlay persisted in levying this toll, and even nominated a new receiver in Champagnole. On 14 November 1395, therefore, the duchess, who could only note the persistent rebellion of the lord of Arlay, ordered the arrest of his agents and the confiscation of his goods, as well as that of the lordship of Champagnole, 'ou ont esté commises les dictes offenses et rebellions'. The decision was taken in Dijon, 'par madame la duchesse, a la relacion du conseil ou estoient l'abbé de Saint Benigne, le doien de la chapelle, maistre Dreue Felize, le bailli de la Montaigne et autres'.⁷⁷ A substantial fine was imposed by the Parlement of Dole in 1399 and this seems to have briefly closed the case.

The seriousness of the situation was probably the main motive for the energetic intervention of the duchess. The sovereign rights of the duke in the matter of the administration of his economic jurisdiction were put in jeopardy by the fact that the lord of Arlay was pretending to levy his own tolls, and above all by the fact that, once again, his servants had demonstrated a willingness to rebel openly against ducal authority. Facing these blatant 'offenses et rebellions', a vigorous reaction was necessary, and this was effected by the duchess of Burgundy, who was backed efficiently by the Council of Dijon. It is worth noting that Philip the Bold did not intervene at all. This time, despite the severity of the problem, the partnership created by his wife and the Council of Dijon was able to find a solution.

The situation was utterly different in March 1402, when the case was suddenly revived. The duke was then in Paris and the duchess in Arras, where she was supervising the preparation of the wedding of her son Antoine with the daughter of the count of Saint-Pol.⁷⁸ The ducal couple was completely 'unavailable' for a new Burgundian intervention. This was precisely the moment wilfully chosen by the lord of Chalon-Arlay to revive the tolls. He arrested several merchants near his castle of Saint-Laurent-la-Roche and confiscated their goods since they

⁷⁷ AD Doubs, B. 430.

⁷⁸ See Petit, *Itinéraires*, p. 324. The wedding took place in Arras on 25 April 1402. Philip the Bold was in Paris until early April. He then travelled northwards and stayed in his northern lands until about mid-May. On 21 May the king's council was his guest for dinner in Senlis (*ibid.*, p. 325).

refused to pay the toll. The Council of Dijon refused to tolerate the incident; an inquiry confirmed the onslaught.⁷⁹ On 8 March the Council, which was delocalized at Chalon-sur-Saône for the winter fair, ordered the lord of Arlay to hand back the confiscated goods. The letter written by the Council members makes clear that Jean of Chalon had already received a similar order from the master of the fairs of Chalon and that he had dismissed it. The tone of the letter was deliberately incisive, even threatening: 'que faire ne povez ou devez senz la licence de nostre dit seigneur, qui est *vostre souverain*'; 'si vous requerons de part mon dit seigneur et prions de part nous que vous faictes rendue et restitution dez denrees aux diz marchans, *et en ce veuillez faire que l'en n'ait cause de proceder contre vous d'autre remede qu'il appartient en tel cas*'. The tone of the letter sent the next day by the Council to the jurist Bon Guichart, *bailli* of Aval, was similar. The *bailli* was to do everything in his power to ensure that the goods were handed back to the merchants. The situation was all the more urgent since news spread quickly: if this state of affairs were to last, merchants who wished to cross into France would surely choose different routes.

The tone of the letter is one of the main indicators of the transformation of the role of the Council of Dijon: at the turn of the fourteenth century this advisory institution was becoming the main decision-making body for all the Burgundian lands. A comparison may be drawn with the tone used by the chancellor of Burgundy-Flanders: the 'ton de commandement du chef', which 'tranche fort avec le ton humble qu'affectaient les autres fonctionnaires et conseillers ducaux'⁸⁰ and which was precisely explained by the extent of the delegated of power he enjoyed.

Indeed, the Council did not stop at ordering the return of the confiscated goods. Since this was a case of repeat offence the *bailli* of Aval was to start a procedure against the lord of Arlay in the next assizes and punish him in proportion to the deed:

[...] et nous samble que *vous devez faire poursuivre par le procureur du conté en vostre bailliage ledit seigneur, et le traire a emende pour occasion de la dicte nouvelleté indehue mise par lui, en lui deffendant et faisant deffense convenable sur ce et commandement de cesser doresenavant la dicte exaction.*

In defence of ducal rights, the Council of Dijon was zealous; this was the price to be paid in order to retain the trust of the duke.

It is revealing that it was with the Council of Dijon that the lord of Arlay attempted to negotiate: he sent three letters to the Council, dated 11 March, 25 March and 9 April 1402, in which he stated his rights.⁸¹ He also contacted the duke directly (again in March), though he took care to inform the councillors of

⁷⁹ AD Doubs, B. 457 (act dated 9 March): '[...] et pour savoir plus a plain la verité de ce, nous avons fait faire informations dont nous vous envoions le double [...]'].

⁸⁰ Cockshaw, *Le personnel de la chancellerie*, p. 5.

⁸¹ AD Doubs, B. 458.

this step: '[...] et de ce fait je en ait rescript a monseigneur de Bourgoigne pareillement que je fait a vous, en maniere qu'il li plaise porvoir'.⁸² This was a clever way to stress that the real decision rested with the prince and not with the Council, however influential and autonomous it may have been. The nature of the duke's interventions could sometimes cause confusion in the minds of his local representatives. The lord of Arlay complained to anyone willing to listen that he had appealed to the duke about the confiscation of his lordship and of the adjoining toll by the *bailli* of Aval,⁸³ and that the prince had finally agreed to his demand. This agreement, however, had never been written down. In principle the duke had consented to it, but in practice he had refused to deliver the document, and Arlay had not been able to recover Champagne.⁸⁴

This precedent, although not confirmed in writing, troubled the Dijon councillors meeting in Chalon. On 14 March, they wrote to their hierarchical superior, Antoine Chuffaing, a doctor in law,⁸⁵ and to the treasurer of the duke, who had both stayed behind in Dijon, in order to get their advice on this complicated case. Did they have to remain steadfast on the issue of the ducal rights concerning the tolls, or did they have to agree to the demand of Jean of Chalon, on the basis of the oral concession obtained from Philip the Bold? A legal specialist such as Antoine Chuffaing ought to be able to solve this legal *imbroglio*. The case was also of some significance for the economy of the ducal demesne, and this explains why the advice of the treasurer, Joceran Frepier, was also sought. Less than a month later, on 11 April 1402, the Burgundian Council met in full in Dijon in order to decide once and for all on the matter of the tolls.⁸⁶ The verdict was final: once again, the lord of Arlay was forbidden to levy tolls beyond the limits of the frontier fortress of Jougne.⁸⁷

⁸² Ibid.: letter of Jean of Chalon dated 9 March.

⁸³ The confiscation was ordered by Duchess Margaret on 14 November 1395.

⁸⁴ AD Doubs, B. 458: '[...] maistre Guillaume le Noble [...] par le temps qu'il estoit bailli du conté, [...] fit mectre empeschement ou peage de Champaignoule, dont se complainit ledit messire Jehan de Chalon a la personne de Monseigneur; lequel, apres plusieurs paroles, ordonna audit maistre Guillaume qu'il feist lever les dis empeschemens; et ledit maistre Guillaume respondit qu'il en voloit avoir ordonnance par escript, afin que par le temps advenir il n'en feust blasmé, se mon dit seigneur mectoit en obli sa dicte ordonnance, et lui fut octroyé par Monseigneur, mas il ne voust onques, et pour ce, ne leva point lesdis empeschemens et semble a aucuns de nous que en un parlement de Dole ledit messire Jehan s'en complainit et que par le conseil fut conclu que la chose demeuroit en tel estat et n'y fut point ordonné.' (Letter of the ducal councillors who had remained in Chalon-sur-Saône to Antoine Chuffaing and Joceran Frepier, dated 14 March 1402 and signed: 'Les gens du conseil de monseigneur le duc de Bourgogne a Chalon tous vostres'.)

⁸⁵ The duke officially nominated Antoine Chuffaing as president of the Dijon Council as well as of the Parlements of Beaune and Dole: letters dated Conflans, 30 September 1400.

⁸⁶ AD Doubs, B. 458.

⁸⁷ '[...] a esté delibéré par mes diz seigneurs et ordonné audit bailli et procureur d'Aval que audit seigneur d'Arlay soit faicte deffense de lui desister de plus lever ledit paage outre les mectes, destrois et conduites dudit Jouigne et que ce qu'il a fait au contraire il repare etc.; et ad ce soit contraint etc.'

This was not enough, however, to make Jean of Chalon listen to reason; he was still adamant that he had the right to levy tolls in a large area around Jougne. New summons were sent to him as early as 26 April.⁸⁸ On 22 July, however, the duke himself halted the proceedings, for it seemed that the case was once again going to get swamped in procedure: on 29 April, the procurator of the lord of Arlay had appealed to the Parlement of Dole in order to revoke the summons, but had retracted his demand on 8 May. It was obvious that Jean of Chalon intended to make use of all the resources available in order to fight a legal war against the agents of the duke. Philip the Bold took the matter into his own hands and, as we have seen, he settled the case in a way that was meant to be imperious and final: 'aucuns de [ses] subgez de [son] conté de Bourgoigne, *de quelque estat qu'ilz soient*, ne [peuvent] lever sur les marchans ou leur denrees et marchandises [...] eslever ne metre suz nouvel peage, ne aussi les anciens peages étendre'.⁸⁹ The decision was taken in Paris and seemed to invalidate the steps taken by the Council of Dijon. In the absence of the ducal couple, the council was much more autonomous, but the duke could always decide to intervene directly, and was quite prepared to do so when he judged that the situation required it. It seems that this direct intervention was also the only solution that could be accepted by Jean of Chalon, who, as an equal in the feudal hierarchy, claimed the right to deal directly with the duke.

Close examination of the mechanisms that led to the decisions in the Faguiet murder case and the tolls controversy in the Comté makes it possible to measure precisely the efficiency of the general delegation of power that was agreed upon on 24 October 1386 by Philip the Bold to the benefit of his wife, Margaret of Flanders, in order to compensate for his frequent absence. On paper these powers look particularly extensive, to the point that Margaret seemed to recover her rights as a lord. The everyday practice of power, however, suggests that the reality was quite different. The principle of delegation was not an issue in the context of everyday administration or when it came to making the 'ordinary' judicial and administrative procedure work. In times of deep political tension it was a different matter. From this point of view, the crisis opened by the ducal *lèse-majesté* committed by the lord of Chalon-Arlay in April 1391 was revealing. The duke's return to Burgundy and his presence there were necessary to start the inquest, control the questioning of the guilty party, and finally decide the fate of the rebellious lord. Obviously it was considered that the duchess, who had been on the spot from the start of the case, could not solve this major conflict alone. Moreover, the power conceded to Margaret met daily with numerous obstacles. Geographical distance between the duchess and the chancellor of Burgundy-Flanders made the sealing of major political acts difficult. Another issue was that local agents relaying the

⁸⁸ AD Doubs, B. 458: letter of the *bailli* of Aval, Bon Guichart, dated 26 April, in which he summons the lord of Arlay to appear before him 'pour rendre compte de tous ces faits, sous peine de 10 marcs d'or.'

⁸⁹ AD Doubs, B. 458.

ducal power were on occasion excessively rigorous, or did not hesitate to deal directly with the duke, so that they themselves represented an obstacle to the activity of the duchess. Did Margaret of Flanders fully appreciate the limits of her delegated power? Perhaps. In any case, between 1398 and 1400 she did not visit her Burgundian lands, and it became necessary to find new ways of compensating for the absence of the ducal couple. This was done by setting up a new Council in Dijon, which was both stronger and more autonomous.

Conclusion

One of the major weaknesses of the 'Burgundian State' gradually put together by the Valois dukes of Burgundy stemmed from its essentially dual structure, in which distinct entities – Burgundy and the counties of Flanders, Nevers, Rethel, Artois – were united only through the person of the prince. The political and dynastic ambitions of Philip the Bold forced him to reside in Paris, especially after the onset of Charles VI's insanity in 1392, so that he was a prince particularly 'absent' from his own territories. In this context, the political duo formed by the duke and his wife, Margaret of Flanders, the sole surviving legitimate heir of the Count of Flanders, was an original way to overcome, on a daily basis and on the ground, the physical absence of the prince himself.

Guardian – Lieutenant – Governor: Absentee Monarchy and Proxy Power in Scotland's Long Fourteenth Century

NORMAN REID AND MICHAEL PENMAN

'In the name of the community of the realm of Scotland': 1286–c. 1314¹

On 19 March 1286 tragedy befell Scotland: its king, Alexander III, died unexpectedly as the result of an accident at the age of forty-four. Remarkably, there seems to have been no immediate headlong rush for power; unlike the period of Alexander's own minority reign from 1249 to 1258,² there was no overt struggle for regency between the foremost noble families of the kingdom. This may have been because there was no heir to the throne present in Scotland: control of the kingdom could not therefore be gained through possession of the monarch's person. Alexander's three children had all predeceased him: the eldest, Margaret, born in 1261, had been married to Eric II of Norway in 1281, but died, probably in childbirth, in 1283; the older son, Alexander, died at the age of twenty in 1284; and the younger son, David, had suffered a childhood death in 1281. Following Prince Alexander's death in 1284 the succession to the kingdom had therefore, perhaps controversially, been settled by entail upon the king's infant grand-daughter Margaret, the offspring of Princess Margaret and Eric II of Norway, failing the king's having any direct heirs. The document witnessing this agreement,³ bearing the seals of all thirteen earls and no fewer than twenty-four of the foremost barons of the kingdom, was dated 5 February 1284, only eight days after the death of the Prince Alexander: the issue of the succession was vital,

¹ The guardianships of the period 1286–1304 have been discussed in more detail in N. H. Reid, 'The Political Role of the Monarchy in Scotland, 1286–1329' (unpublished PhD dissertation, University of Edinburgh, 1984), chs 4–6; and in more summary form in 'The Kingless Kingdom: The Scottish Guardianships of 1286–1306', *SHR*, 61 (1982), pp. 105–29. While taking into account more recent published scholarship, the present argument remains largely consistent with that earlier work.

² The most detailed analysis of the minority of Alexander III remains D. E. R. Watt, 'The Minority of Alexander III of Scotland', *Transactions of the Royal Historical Society*, 5th ser. 21 (1971), pp. 1–23.

³ *Foedera*, I, ii, p. 638; *The Acts of the Parliaments of Scotland*, ed. T. Thomson and C. Innes (12 vols, Edinburgh, 1814–75), i, p. 424.

and the king was obviously aiming to ensure as little conflict as possible in the event of his early death.

It appears that Alexander's second queen, Yolande de Dreux, whom he married in October 1285, was believed to be pregnant at the time of the king's death. Certainly, there is an indication that she was known to be pregnant by September 1286, in that a pact made that month by Robert Bruce (grandfather of the future king) and others in support of Richard de Burgh, Earl of Ulster, included a coincidental reference to 'whoever' would gain the throne 'by reason of the blood' of the late king.⁴ The immediate business of government in March/April 1286 was therefore to ensure the immediate political, military, administrative and economic stability of the kingdom, in support of either the infant Margaret or the king's posthumous child. However, no living child of the king was subsequently born.

In response to the uncertainty over the succession, and perhaps in an overt attempt to avoid the chaotic struggle for power which had characterized Alexander III's minority, a novel approach was taken to establishing rule on behalf of the absent royal authority. Sources conflict over the precise timing of events, but it is certain that within a little over a month of the king's death – probably in late April – a committee of guardians had been elected in parliament, a move which A. A. M. Duncan has described as an 'act of constructive statesmanship' on the part of the governing community – 'articulation of a shared duty to the kingdom when there was no king'.⁵ Sadly, no record survives of the parliament or any other formal gathering at which the guardians were elected, and so the process by which the choice was made remains entirely undocumented.

The guardians seem to have been carefully chosen to represent the key constituencies of the governing community: two bishops, two earls, and two barons. The bishops of St Andrews and Glasgow, the earls of Fife and Buchan, and the barons John Comyn of Badenoch and James Stewart were at the pinnacle of late thirteenth-century Scottish society. These were the two most prestigious bishoprics; the earl of Fife (although a very young man at the time) held the position regarded as the most senior of the earldoms, close to the monarchy itself, and with a crucial role in the royal inauguration ceremony; the earl of Buchan had long served as justiciar in the northern part of the country; John Comyn represented perhaps the premier baronial family; and Stewart was the holder of the ancient office in the royal household from which his family took their name. Furthermore, annals collated by the later fourteenth-century chronicler John of Fordun claimed that the six men equally represented both the northern and southern areas of the kingdom;⁶ and it cannot be ignored that the six also represented an apparent balance

⁴ *Documents Illustrative of the History of Scotland, 1286–1306*, ed. J. Stevenson (2 vols, Edinburgh, 1870), i, pp. 22–3.

⁵ A. A. M. Duncan, *The Kingship of the Scots, 842–1292: Succession and Independence* (Edinburgh, 2002), p. 176. *Ibid.*, pp. 175–9, contain interesting detail regarding the chronology of events in this period, the succession, and evidence regarding the pregnancy of the queen.

⁶ Johannis de Fordun, *Chronica Gentis Scotorum*, ed. W. F. Skene (2 vols, Edinburgh, 1871–2), i, p. 310 (trans. ii, p. 313).

between the supporters of the two main potential claimants to the throne, should the bloodline of the king fail.⁷ Neither of these likely claimants – John Balliol, Lord of Galloway, and Robert Bruce, Earl of Carrick – was included within the guardianship group. Of course, is it impossible to say with certainty that foresight, rather than hindsight, was responsible for such an apparently astute choice of guardians,⁸ but the grouping does appear to have commanded a large degree of support, and was able to begin the task of government with remarkably little disruption.

The constitutional framework under which this committee functioned was somewhat different from that of the succession of later, short-lived guardianships which ruled sporadically between the deposition of King John Balliol in 1296 and the accession of Robert I a decade later. In 1286 the king had died, and although there was uncertainty about who should succeed him, it was nonetheless clear that there was an heir, a minor, either absent or unborn, in whose name the guardians held the reins of power. After the non-appearance of a direct heir (which was presumably obvious by the end of 1286) and the early death of the infant Margaret in 1290,⁹ the situation was quite different. Now there was no undisputed heir, and in fact no fewer than fourteen claimants appeared, ready to do legal battle over the vaguely defined succession system. In whose name, then, did the guardians rule? By then, only four of the original six guardians remained (both of the earls died in 1289, the young earl of Fife being murdered, for an unknown reason). They continued to rule, apparently undisputed, until the beginning of the ‘Great Cause’, the court over which Edward I of England presided in 1291–2, which was to choose between the claimants. Following the submission of the claimants to Edward’s judgement, the four guardians resigned and were re-appointed along with a nominee of Edward himself, and thus became effectively an arm of an English occupying administration. This administration continued until the inauguration as king of John Balliol, as a result of the legal proceedings, on 30 November 1292.¹⁰ After the fall of Balliol in 1296, whenever there were Scottish-elected guardians they claimed to rule in the name of the absent King John.

⁷ For comments on the composition of the 1286–90 guardianship, see Duncan, *Kingship of the Scots*, p. 177; G. W. S. Barrow, *Robert Bruce and the Community of the Realm of Scotland*, 4th edn (Edinburgh, 2005), pp. 20ff; Michael Penman, *Robert the Bruce, King of the Scots* (London and New Haven, 2014), pp. 23–4, all of which broadly agree on the significance of the choice.

⁸ For an interesting discussion of the events of this period, including the part which may have been played by the dynastic ambitions of the Balliol and Bruce families, see Amanda Beam, *The Balliol Dynasty, 1210–1364* (Edinburgh, 2008), pp. 92ff.

⁹ For an interpretation of the period 1286–90 which differs from that offered by A. A. M. Duncan, *Kingship of the Scots*, pp. 178ff, see N. H. Reid, ‘Margaret, “Maid of Norway” and Scottish Queenship’, *Reading Medieval Studies*, 8 (1982), pp. 75–96.

¹⁰ The Great Cause was scrupulously documented: see E. L. G. Stones and G. G. Simpson, *Edward I and the Throne of Scotland, 1290–1296* (2 vols, Oxford, 1978).

The short reign of John Balliol, characterized as it was by the difficult relationship with Edward I of England, did much to define the period which followed. In July 1296, a few months short of the fourth anniversary of his inauguration, Balliol was stripped of the kingship in a ceremony which was designed to humiliate both Balliol himself and the very concept of the independent Scottish monarchy.¹¹ That it did so indicates a developing sense of national identity and a parallel reverence for the concept of sovereign kingship: these are now seen largely as a product of the thirteenth century.¹² An English administration was put in place to govern Edward I's new Scottish province, but in a relatively short space of time the settled conquest of Scotland was shown to be illusory. Certainly by the spring of 1297, and perhaps earlier,¹³ rebellions flared up, most notably in Galloway in the south-west, and in Moray in the north. Support for the Galloway rising among the nobles was at best covert, but there is some evidence that what has been mythologized as a 'popular' uprising against English rule, led by William Wallace, was in fact tacitly orchestrated by men of higher status.¹⁴ When some of them did declare themselves openly it was but a brief excursion, since they submitted to Edward's peace soon afterwards, in July 1297. Their negotiations, however, were carried out on behalf of the 'community of the realm', indicating that the concept of guardianship of the rights of the Crown remained current.¹⁵ Although Fordun's source states that there was an elected guardianship in this period,¹⁶ this is the only account which makes this claim, which seems to be erroneous. It does seem likely, however, that these representatives of the governing community saw themselves in that role *de facto*; certainly they did start

¹¹ Balliol's submission to Edward I is printed (and translated) in *Anglo-Scottish Relations, 1174–1328: Some Selected Documents*, ed. E. L. G. Stones (Oxford, 1965), pp. 146–9; see also E. L. G. Stones and M. Blount, 'The Surrender of King John of Scotland to Edward I in 1296: Some New Evidence', *BIHR*, 48 (1977), pp. 94–106. For discussion of the ceremony at which Balliol was stripped of the kingship, see G. G. Simpson, 'Why Was John Balliol Called Toom Tabard?', *SHR*, 67 (1968), pp. 196–9.

¹² See particularly various essays in Dauvit Broun, *Scottish Independence and the Idea of Britain: From the Picts to Alexander III* (Edinburgh, 2007); and *New Perspectives on Medieval Scotland, 1093–1286*, ed. Matthew Hammond (Woodbridge, 2013).

¹³ For detailed discussion of the events of this period, see Reid, *Political Role of the Monarchy*, pp. 61ff; there is also detailed treatment both of the military ebb and flow, and of the establishment and conduct of English administrations in Scotland, in Fiona Watson, *Under the Hammer: Edward I and Scotland, 1286–1307* (East Linton, 1998).

¹⁴ See, for example, the statements to this effect in some of the English chronicles: *Chronicle of Lanercost*, ed. Maxwell, p. 190; *Chronicle of Walter of Guisborough*, ed. H. Rothwell, Camden Society, 3rd ser. 89 (London, 1989), pp. 295–6. See also Fiona Watson, 'Sir William Wallace: What We Do – and Don't – Know', in Edward J. Cowan, ed., *The Wallace Book* (Edinburgh, 2007), pp. 26–41.

¹⁵ For the primary records of these negotiations see Stevenson, ed., *Documents*, ii, pp. 192–4, 198–200; for the submission of Bruce and others, see *Documents and Records Illustrating the History of Scotland*, ed. Francis Palgrave (London, 1837), pp. 197–8.

¹⁶ *Chronica Gentis Scotorum*, i, p. 328 (ii, p. 321).

to organize a native Scottish administration in this period,¹⁷ and had they not been forced into capitulation in July 1297, it is probable that a situation similar to that of 1286 might have pertained by the autumn of that year.

Meanwhile, another rebellion against English authority was taking place in Moray,¹⁸ with more open baronial support. Andrew Moray, who led the revolt, conducted it with tactics similar to Wallace's rising in the south – concentrating on the removal of English officials and the destruction of the castles which were used to hold the country. The tactical similarities may indicate that the two revolts were not unconnected, but were in fact a co-ordinated attempt to re-establish Scottish sovereign rule, masterminded perhaps by a group including Robert Wishart, Bishop of Glasgow, and James Stewart – two of the original 1286 guardians, both of whom had been involved in the capitulation to Edward I in the previous year. (They were the only two available members of the 1286 guardianship: the two earls were dead; Bishop Fraser of St Andrews was in exile from 1295, and died abroad in August 1297; and John Comyn had been imprisoned after the English invasion of 1296. Although he was released in June 1297, he remained under the close scrutiny of Edward and his officials, having been instructed to assist in quelling the northern rebellion, an activity which he apparently pursued somewhat neglectfully.)¹⁹ Briefly, and unsuccessfully, a third concurrent revolt broke out in Fife,²⁰ led by the younger brother of the young earl of Fife who had died in 1289, which perhaps strengthens the case for co-ordination. Although they have frequently been seen as popular risings of the common people led by folk heroes, these rebellions against the English occupation in 1297 were fought by the very men who would have been called upon to fight for the great lords if summoned by a king in a moment of national emergency – the men of the earl of Carrick, those of the earl of Fife, and those of the Steward. The national host could be summoned 'for the tuition, conservation and defence of the realm and kingly dignity, and the freedom thereof'.²¹ The rebellions were fulfilling that function, and were doubtless the coherent effort of the men who, had they been in a position to do so, would have proclaimed themselves, or been elected, guardians of a liberated kingdom.

After the formal capitulation of the nobles in July 1297, the risings in the north and south continued nonetheless, and culminated with the two rebel forces

¹⁷ They were, for example, raising revenues from the land, and were replacing English-appointed officials with their own nominees (Stevenson, ed., *Documents*, ii, pp. 206–9).

¹⁸ For useful summaries of this period, see Barrow, *Robert Bruce*, pp. 97–116, and Penman, *Robert the Bruce*, pp. 48–56.

¹⁹ Stevenson, ed., *Documents*, ii, pp. 175, 211, 226–7; *Rotuli Scotiae in Turri Londinensi et in Domo Capitulari Westmonasteriensi Asservati*, ed. D. Macpherson (2 vols, London, 1814–19), i, p. 41; *Chronicle of Walter of Guisborough*, p. 297.

²⁰ *Ibid.*, ii, p. 217; *Rot. Scot.*, i, p. 42.

²¹ '[...] pro tuicione conseruacione et defensione regni et regie dignitatis ac libertatibus eorundem'. The summons from which this quotation is taken is to be dated to the rule of the guardians appointed in 1286; *Scottish Formularies*, ed. A. A. M. Duncan (Edinburgh, Stair Society, 2011), Formulary E, pp. 39–112, at p. 98, no. E89.

amalgamating to inflict defeat on an English army at the battle of Stirling Bridge in September.²² This enabled the Scots to re-establish independent rule, taking all but a few of the castles, and replacing the remaining English officials. Within a month or two of the battle at Stirling, William Wallace and Andrew Moray, the leaders of the victorious Scottish army, claimed to act with the consent of the community of the realm, using the style 'leaders of the army of the realm of Scotland';²³ in a parliament held on 29 March 1298 Wallace (Moray died, probably of injuries received at Stirling Bridge, in November 1297)²⁴ was formally elected guardian of the kingdom.²⁵ His guardianship lasted only until July 1298, however, since his army then suffered a heavy defeat by an English force at Falkirk, and he resigned from the guardianship shortly thereafter: his leadership had been founded on military success, and foundered on military failure. Edward I's triumph, however, was again short-lived, and before the end of the year there were two new guardians. There is no record of the election, but it may have happened at a gathering of the community at which Wallace resigned, perhaps as early as August.

The new guardianship was of a different mettle from either Wallace's, born out of military achievement, or that of the 1286 committee, which had provided a balanced representation of the governing community. The two new figureheads were Robert Bruce, Earl of Carrick (the grandson of the Robert Bruce who had been claimant to the throne in 1290–2), and John Comyn, son of the lord of Badenoch, one of the six original guardians, and with a close connection to the Balliol family.²⁶ Thus the two guardians could be seen to be political rivals – but also, once again, represented balance at least in terms of dynastic ambition for the Crown. Had one of these families been excluded from the elected guardianship, there would have been the potential for civil war. (Indeed, Bruce's grandfather, when excluded from the 1286 guardianship, had briefly raised armed forces in his south-western homelands.)²⁷

A key element of the guardianships of Wallace, of Bruce and Comyn, and indeed of the other groupings which were to follow, was that they claimed to rule the country in the name of King John.²⁸ The Scots did not accept the validity of Edward I's deposition of Balliol, so their government was not, in their minds, the treasonable activity which Edward I labelled it: it was, once again, an act of 'constructive statesmanship', and the guardians were merely undertaking the

²² There is a detailed description of this battle in *Chronicle of Walter of Guisborough*, pp. 298–303.

²³ *Documents Illustrative of Sir William Wallace, his Life and Times*, ed. J. Stevenson (Maitland Club, Aberdeen, 1841), p. 159.

²⁴ *Chronica Gentis Scotorum*, i, p. 329 (ii, p. 322).

²⁵ *RPS*, A1298/1.

²⁶ *Highland Papers*, ed. J. McPhail (4 vols, Scottish History Society, Edinburgh, 1916), ii, pp. 131–2.

²⁷ Palgrave, ed., *Docs. Hist. Scot.*, p. 42.

²⁸ See, for example, *Acts of the Parliaments of Scotland*, i, pp. 453–4.

governing community's duty to the kingdom when the king, who had been lawfully inaugurated, was unable to rule. Even Bruce, whose grandfather had vociferously promoted his family's claim to the Crown, and who would himself wear it less than a decade later, governed as guardian 'in the name of the illustrious King John'.²⁹ The lack of delay which characterized the formation of these guardianships is a further hint as to their nature. The 1286 committee was elected within weeks of the death of the king, and the 1297 guardianship was installed as soon as the military situation made it feasible to do so. This was a pattern which was to repeat itself, for both practical and theoretical reasons. Clearly, the government of the kingdom must continue – revenues had to be raised, justice carried out, and the realm's security maintained; but equally it was believed that the authority of the Crown did not die, and that it must be upheld by others during the absence of the reigning king. Continuity of rule was a key consideration.

Bruce and Comyn ruled until August 1299, when it seems that the burden of their political rivalry became too much to bear. The report of an English spy who witnessed a council meeting on 19 August³⁰ makes it clear that their rivalries had become factional, and that the division was too deep to allow the government to continue unchanged. A third guardian was therefore elected to join Bruce and Comyn, apparently as a senior partner (indicated by the fact that he was given formal custody of the castles of the country – a symbol of his possession of the realm itself), and a balancing interest. This was William Lamberton, who in 1297, under the administration of William Wallace, had been appointed to the bishopric of St Andrews (the premier see of the country, whose incumbent was styled on his seal 'bishop of the Scots').³¹ A man of great prestige and political and administrative experience, this appointment was without doubt intended to strengthen the existing guardianship, reintroducing the power of the Scottish Church into the government, maintaining political balance, and perhaps acting as arbiter to soothe the inevitable tensions of the situation.

This guardianship grouping continued for a year, but in May 1300 there was a further change, when Bruce was replaced as guardian by Sir Ingram d'Umphraville, a representative of one of Scotland's senior noble families, who (along with his kinsman Gilbert d'Umphraville, Earl of Angus) had been among Balliol's auditors in support of his claim to the throne in 1290–2.³² Again, our information

²⁹ *Calendar of Documents Relating to Scotland*, ed. J. Bain (5 vols, Edinburgh, 1881–8), ii, p. 535 (misdated, *recte* 6 April 1299).

³⁰ *Facsimiles of National Manuscripts of Scotland*, ed. Cosmo Innes (3 vols, Southampton, 1867–72), ii, no. 8.

³¹ *Fasti Ecclesiae Scoticanæ Medii Aevi ad Annum 1638*, ed. D. E. R. Watt and A. L. Murray (Edinburgh, 2003), p. 381. Interestingly, it was during the episcopate of Lamberton himself that the style was changed from 'bishop of the Scots' to 'bishop of St Andrews': Ursula Hall, *St Andrew and Scotland* (St Andrews, 1994), p. 126.

³² Stones and Simpson, *Edward I and the Throne of Scotland*, ii, pp. 84–5. It is wise not to over-estimate the level of support or loyalty implied by the position of auditor, however: see Beam, *The Balliol Dynasty*, p. 106.

comes from a letter to Edward I relating events at a meeting of the Scottish parliament held in May 1300.³³ The guardianship was clearly discordant, and the change in incumbency had been made after significant dispute. The balance between political factions had now disappeared: both nobles held Balliol/Comyn allegiance, and the Bruce family cause had been ousted. The preceding months had brought some important diplomatic developments, and it is possible that there was a spirit of optimism about the eventual return of King John to the kingdom. Although Bruce had shared in the guardianship in the name of the absent King John, he had not in fact offered homage to him, and his own dynastic ambition would render him unable to work towards John's return. He may therefore have found himself out of tune with the policy of the Scottish government. A little over a year later, by October 1301, John was released from papal custody to his family estates in Picardy.³⁴ This was potentially a step towards his return, and it may not be coincidental that soon thereafter (before February 1302) Bruce had resigned himself temporarily to the peace of Edward I.³⁵ At that stage, Bruce's personal and family goals clearly conflicted with the Scottish cause, which aimed at returning Balliol to his kingdom.

Despite apparent unanimity of purpose and some military and diplomatic success in late 1300 and early 1301, the guardianship of Lamberton, Comyn and Umphraville soon disintegrated. By May 1301 a new name is associated with the guardianship, John de Soulis. Soulis appears to have supported the Balliol cause consistently, but had previously taken no leading role in government. Evidence is scanty, and it is unclear what circumstances led to his appointment as guardian. However, unlike previous guardians, most of his documents were issued under King John's own name and style, with Soulis himself appearing only as a witness.³⁶ Some chronicle accounts state that John Comyn continued in the guardianship,³⁷ and certainly there is one letter from a Scots diplomatic embassy to France dated May 1303 (an embassy that included Soulis) which addresses Comyn as guardian.³⁸ Lamberton and Umphraville, too, were not completely alienated from the government, since both of them appear in the same diplomatic embassy to France. Although evidence is lacking to substantiate what must be a largely conjectural interpretation, it seems possible that Soulis was in fact appointed by Balliol himself as his personal *locum tenens* in Scotland, and that

³³ TNA, Ancient Correspondence, xxx, no. 114; printed in G. O. Sayles, 'The Guardians of Scotland and a Parliament at Rutherglen in 1300', *SHR*, 24 (1927), pp. 245–50.

³⁴ Stevenson, ed., *Documents*, ii, p. 420.

³⁵ The evidence for Bruce's submission is thoroughly discussed in E. L. G. Stones, 'The Submission of Robert Bruce to Edward I', *SHR*, 34 (1955), pp. 122–34; see also *Anglo-Scottish Relations*, ed. Stones, pp. 237–9, where a letter (dated late 1301 or early 1302) is presented which graphically demonstrates the fear of Balliol's return, on the part probably of both Bruce and Edward I.

³⁶ E.g. *Liber Sancte Marie de Calchou* (2 vols, Bannatyne Club, Edinburgh, 1846), ii, p. 310.

³⁷ *Chronica Gentis Scotorum*, i, p. 331 (ii, p. 324); Sir Thomas Gray, *Scalacronica 1272–1363*, ed. Andy King (Surtees Society, Woodbridge, 2005), p. 47.

³⁸ *Acts of the Parliaments of Scotland*, i, pp. 454–5.

Comyn remained in post, perhaps as a subsidiary, the elected representative of the community.³⁹ Certainly, as noted above, it seems that Comyn was still (or again) in post as guardian when Soulis was absent from the kingdom on the embassy to France in 1302–3.

This was the last change in the guardianship. Despite ‘grim determination on the part of the Scottish political community’⁴⁰ in the face of gathering English might, military and diplomatic set-backs in late 1303 and early 1304 left the Scots in a hopeless political position. Renewed submission to English rule became inevitable, bringing the Scottish ‘experiments in guardianship’⁴¹ to a close. In 1305 an elaborate occupying administration was established by Edward I, which ruled Scotland until Robert Bruce made his bid for the throne in 1306.

There is every indication that the Scottish guardians, however appointed, saw their role as wielding the full authority of the Crown, whether in place of a monarch who was a minor, who was unidentified, or who was absent. Evidence is most plentiful for the 1286–90 guardianship, where it is clear that the business of government continued with a considerable degree of continuity from the reign of Alexander III (1249–86): revenues were raised, parliaments were held, justice was dispensed and diplomacy conducted exactly as it would have been under a ruling king.⁴² Even in the more difficult days of 1297–1304, however, when normal government was inevitably disrupted by almost incessant warfare, it is possible at the very minimum to identify meetings held in 1298, 1299, 1300 and 1301⁴³ which might be called ‘parliaments’ (‘the guardian of the kingdom and the status of its people [...] the community in political action’).⁴⁴ ‘Parliament’ is a term which it is easy to assume had a universally accepted meaning, but in fact in the late thirteenth century it was institution which was still, at best, an administrative novelty, and a relatively new concept throughout Europe. Its nature and function in Scotland were not yet clearly defined. The first gathering which might properly be termed a Scottish parliament of which there is record took place only in 1235, and there is a strong case for supposing that the crisis following the death of the king in 1286 was itself a major catalyst for further development, though we would be wise to remember that in 1286 ‘parliament was not yet a defined, structured body with any steady or permanent role within Scottish political society’.⁴⁵

³⁹ For a discussion of the nature of Soulis’s guardianship, and the evidence pertaining thereto, see Reid, *Political Role of the Monarchy*, pp. 181–8; see also, however, an alternative interpretation of the evidence in Barrow, *Robert Bruce*, pp. 150–1.

⁴⁰ Watson, *Under the Hammer*, p. 169.

⁴¹ Barrow, *Robert Bruce*, p. 119.

⁴² A picture of ‘normal’ administration under this guardianship can be gained most easily from *The Exchequer Rolls of Scotland*, ed. J. Stuart *et al.* (23 vols, Edinburgh, 1878–1908), i, pp. 35–51; and for this and the later guardianships see further references given in Reid, ‘Kingless Kingdom’, esp. pp. 116–23.

⁴³ *Acts of the Parliaments of Scotland*, i, pp. 453–4; Sayles, ‘The Guardians of Scotland and a Parliament at Rutherglen in 1300’, pp. 245–50.

⁴⁴ A. A. M. Duncan, ‘The Early Parliaments of Scotland’, *SHR*, 45 (1966), pp. 36–58, at 38.

⁴⁵ See *Parliament and Politics in Scotland, 1235–1560*, ed. Keith M. Brown and Roland J.

Still, notwithstanding the precise status of these meetings, or the terminology used to describe them, it is clear that the guardians' administrations regarded themselves as having full executive power to govern the kingdom in a manner entirely consistent with the rule of an inaugurated monarch. There was, therefore, an accepted constitutional basis for their position. Despite an apparent vagueness of political definition,⁴⁶ it seems clear that the constitutional position was both well understood and clearly articulated.⁴⁷ The 'dignity' of the kingship,⁴⁸ the concept of the Crown or royalty, were not purely the birth-right of Scottish kings, but were bestowed upon them by the community. Any person or group wielding these rights, therefore, must also have had them bestowed in a similar manner. Although evidence for the election process is scanty, and is entirely lacking for any formal inauguration ceremony, it seems very probable that there was indeed a form of rite through which the guardians were endowed with the dignity, and at which one can conjecture they took an oath of office. The only known record of the thirteenth-century Scottish royal oath is in a description of the inauguration of John Balliol by the English chronicler Walter of Guisborough, in which he states that the king swore to defend the Church and people through just rule, to establish sound laws, and continue to use such laws, whether customary or new, throughout his life.⁴⁹ Guisborough's account may or may not be accurate, but it seems likely that an oath of this nature would have been taken by guardians as well as by kings. That John de Soulis (like Bishop Lamberton in 1299) was given formal possession of the kingdom's castles in 1301 may indeed be an oblique reference to just such a ceremony, at which he undertook to govern well, and was bestowed with the authority of the Crown.

Further evidence of this constitutional justification of their position is offered by the formal styles the guardians used, and more graphically by the seals with which they authenticated their acts. A very fortunate survival and a remarkable representation of the constitutional position in 1286 is the seal which was struck

Tanner (Edinburgh, 2004), especially the Introduction and ch. 1: Alison A. B. McQueen, 'Parliament, the Guardians and John Balliol, 1284–1296' (pp. 29–49, quote from p. 32). McQueen warns against assumptions made on the basis of the use (or, indeed, the non-use) of particular terminology.

⁴⁶ Watson, *Under the Hammer*, p. 177.

⁴⁷ There is an interesting, if brief, discussion of the constitutional ambiguities and practical difficulties faced by Edward I in 'colonizing' Scotland, in Michael Prestwich, 'Colonial Scotland: The English in Scotland under Edward I', in Roger A. Mason, ed., *Scotland and England, 1286–1815* (Edinburgh, 1987), pp. 6–17. Alexander Broadie, 'John Duns Scotus and the Idea of Independence', in Cowan, ed., *The Wallace Book*, pp. 77–85, takes the issue further, arguing convincingly both for a practical influence of political events upon the development of Duns Scotus's contemporary theories relating to freedom, and for local knowledge of those theories, certainly by the early years of the fourteenth century.

⁴⁸ References to the *regia dignitas* are frequent in the documentary evidence of this period. The concept, sometimes also expressed in other terminology such as 'the crown', 'royal honour', or 'the lion', is clearly understood.

⁴⁹ *Chronicle of Walter of Guisborough*, p. 239; and see the thorough discussion of Scottish king-making in Duncan, *Kingship of the Scots*, pp. 125–50.

in that year for the use of the first committee of elected guardians.⁵⁰ Unique in Scottish royal sigillography, it bore no king's image, but replaced it on one side with a striking image of St Andrew on the traditional decussate cross, and on the other with the lion rampant – the Scottish royal arms. Around the image of St Andrew the legend ran *Andrea scotis dux esto compatriotis* ('Andrew, be a leader to the compatriot Scots'): an injunction, rather than a plea, for protection from the patron saint whose cult had been carefully fostered by the royal line for a century or more. In this element of the seal's design it may be possible to see the influence of the bishop of St Andrews, or of his episcopal administration,⁵¹ which was closely allied to the royal chancery by educational provision and the supply of trained clerks.⁵² Around the royal arms on the reverse of the seal the legend was *sigillum Socie deputatum regimini regni*, a device which offers the bearers of the seal the authority of those deputed to rule the land. This seal was obviously equivalent, therefore, to the kingdom's great seal, held by the chancellor under normal circumstances, and used to convey royal authority. The symbolism of this guardian's seal is inescapable: the lion rampant was more than a royal heraldic device – it was a symbol of the Crown itself, independent of whoever held it. A captain of Stirling castle, when besieged by a force of Edward I, is said to have claimed that he had no authority to surrender it, since he held the castle 'of the lion'.⁵³ Thus in 1286, when it was uncertain who the rightful monarch would be, the symbol of Scottish royalty was used instead of the image of any individual. Symbolizing the 'community' of Scots, the image of St Andrew on the other face of the seal gave further legitimacy to its bearers, and is powerful testimony to the existence of a Scottish identity in this period.

In 1289–90, the Treaty of Birgham arranged the relocation to Scotland of the infant Margaret, 'Maid of Norway', as well as her marriage to Prince Edward, later Edward II of England. The treaty made clear that the guardians' seal would be replaced as soon as Margaret had undergone her inauguration ceremony as Queen of Scots. Recognizing the symbolic importance of the design of the seal

⁵⁰ There is a good photograph of a cast of this seal, NRS, RH17/1, reproduced in Duncan, *Kingship of the Scots*, plate 5.

⁵¹ Before the fourteenth century in Scotland the image of Andrew on the cross was used exclusively by the bishops of St Andrews; the University of St Andrews incorporated it into its own seal when founded in the early fifteenth century; royal seals, however, did not use it, and it was not incorporated into coins until the reign of Robert I. From at least the late twelfth century, the seal of St Andrews priory included a representation of the decussate cross itself, but not bearing the martyred figure of the saint: Hall, *St Andrew and Scotland*, pp. 119–20, 125–8; Robert Bartlett, 'Twelfth-Century St Andrews: A Cultural Mix', in Norman H. Reid, ed., *Treasures of St Andrews University Library* (London, 2010), pp. 32–3. A. A. M. Duncan, 'William, Son of Alan Wallace: The Documents', in Cowan, ed., *The Wallace Book*, pp. 42–63 at 46–7, makes reference to the role of St Andrew in support of William Wallace.

⁵² See Norman H. Reid, 'The Prehistory of the University of St Andrews', in Katie Stevenson and Michael Brown, eds, *Medieval St Andrews: Church, Cult and City* (Woodbridge, 2017).

⁵³ Sir Thomas Gray, *Scalacronica*, p. 25.

in conveying the constitutional position of those to whom it gave authority over the kingdom, the treaty stated:

the seal of the kingdom which at present is valid after the death of the king shall be held valid until the said queen shall have come into her kingdom and shall have performed to God and to the church and to the community of the realm, in the place specially ordained for the purpose, that which is to be done in accordance with the laws and customs of the said realm. And then there shall be made a new seal, bearing the customary arms and legend of the king of Scotland only.⁵⁴

There is a strong sense of pragmatism in this provision, which leads to a curious constitutional ambivalence. The guardians' seal would continue in use until the new monarch had been inaugurated and a new seal had been issued: it therefore carried the royal authority until the new monarch was in place. However, there is evidence that the regnal year of the thirteenth-century kings of Scots was dated retrospectively either from the date of the death of the previous king, or the date at which the identity of the successor was decided.⁵⁵ Changes were made to this practice for Robert I (1306–29), because of the extraordinary circumstances in which he came to the throne. Margaret's seal, however, would picture her inauguration, and thus could not be made before that event; it would therefore come into effect at a date later than that recognized as the formal beginning of her reign. The fact that the guardians' seal would remain current until that time surely indicates that there was a clear presumption that the royal authority – the 'dignity of the Crown' – never lapsed. Formal guardianship on behalf of any absent or incapable king was therefore necessary, not merely to continue the practical business of government, but, more importantly, to uphold the theoretical principle of the integrity of the kingdom. Seals were designed carefully to represent real situations. The guardians' seal is a spectacular example, born out of what was for the Scots an unprecedented experience.

The first seal of Alexander III, struck in late 1249 or early 1250 to symbolize his authority as a minor, is another example. Smaller than the great seal of an adult king, lacking the customary martial image of the king on horseback (which, perhaps anticipating the guardians' seal, is replaced with an image of the royal arms), and with the image of the enthroned king grasping the sword of justice lying across his knees rather than held upright, the seal clearly portrays an inaugurated king who cannot yet fully wield royal authority. The impression is strengthened by the legend around the seated figure, *esto prudens ut serpens et simplex sicut columba* ('be as wary as the serpent and as innocent as the dove'), an exhortation to careful progress towards both personal and regnal maturity.⁵⁶ It is

⁵⁴ Stevenson, ed., *Documents*, ii, p. 169.

⁵⁵ Duncan, in *Making of the Kingdom*, p. 552, stated that 'It was not until [...] 1329 in Scotland that a reign was reckoned to begin before [...] the inauguration of the king.' See, however, the counter-evidence presented in Reid, *Political Role of the Monarchy*, pp. 468–73.

⁵⁶ 'Behold, I send you forth as sheep in the midst of wolves. Be ye therefore wise as serpents and harmless as doves'; Matthew 10: 16. See also the discussion of this seal in *Regesta Regum*

interesting to note, however, that there was clearly also a great seal in use during this period,⁵⁷ perhaps indicating that the process of guardianship or regency had not yet been clearly thought-out. Certainly, the achievement of power through gaining control (by force and/or political machination) over the person of the king seems to have been a less formalized process than the later election of guardians. Even so, regents were periodically removed and replaced during Alexander III's minority, which may indicate that there was some sort of due process nevertheless; those in power may well have had to swear an oath, and the seal evidence suggests that there was at least an awareness of the need for constitutional rectitude.

At Margaret's death in 1290, the provisions of the Treaty of Birgham were nullified. The guardian's seal continued in use right through the Great Cause – even by the English administration – until it was broken on 19 November 1292,⁵⁸ the day before Balliol did homage to Edward I for his kingdom, and ten days before his inauguration as King of Scots. After 1296 the situation changed, and became more akin to government during minority, since the identity of the king was known: all of the post-1296 guardians, as noted above, governed in the name of King John. There was no need, therefore, for the bestowal of anonymous authority as symbolized by the 1286 seal. The few documents which have survived from the later guardianships, therefore, demonstrate less in the way of symbolic constitutional innovation. The seal used by William Wallace as guardian⁵⁹ appears to have been a royal great seal in standard form – identical in style to the great seal used by the mature Alexander III – bearing images of the king equestrian and enthroned in regalia, with the legend *Johannes dei gratia Rex Scottorum*. It was described in Wallace's documents as 'the common seal of the kingdom of Scotland' ('sigillum commune regni Scotie'). Its standard royal form (as well as the practical ability to have it made) presumably indicates that in 1297 there was believed to be a realistic opportunity to re-establish a royal chancery with John in personal command.

The sense that John de Soulis held his position through a rather different election process is perhaps strengthened by the seal which he used in office. In this seal the image of the king equestrian is replaced by the arms of Soulis himself,

Scottorum IV, part 1: *The Acts of Alexander III*, ed. C. J. Neville and G. G. Simpson (Edinburgh, 2012), pp. 30–1; and illustrations of a cast of this seal at NRS, RH17/1, in Duncan, *Kingship*, plate 4. For an extensive discussion of the seal, its symbolism and significance, see Grant G. Simpson, 'Kingship in Miniature: A Seal of Minority of Alexander III, 1249–1257', in Alexander Grant and Keith Stringer, eds, *Medieval Scotland: Crown, Lordship and Community: Essays in Honour of G. W. S. Barrow* (Edinburgh, 1993), pp. 131–9.

⁵⁷ *Regesta Regum Scottorum IV*, part 1, p. 31.

⁵⁸ Stones and Simpson, *Edward I and the Throne of Scotland*, ii, pp. 252–3.

⁵⁹ Facsimile in *Acts of the Parliaments of Scotland*, i, facing p. 453. Note, however, that a seal was appended to the famous letter to Lübeck and Hamburg of 11 October 1297 which was apparently a hastily made amalgamation of Wallace's own seal with the royal coat of arms as used on the 1286 guardian's seal. It is described in detail in Duncan, 'William, Son of Alan Wallace', pp. 48–50.

and on the other face the image of the king enthroned is in different style from the form used by Alexander III, perhaps indicating that this seal was made at Balliol's own behest, probably in France, and that its design therefore deliberately reflects the close association between the guardian and the king.⁶⁰

The styles used by the guardians provide further evidence of their constitutional positions. 'Custodes regni Scotiae de communi consilio constitute' ('guardians of the kingdom of Scotland, constituted by common counsel'), and 'custodes regni Scotiae per communitatem ejusdem regni electi' ('guardians of the kingdom of Scotland, elected by the community of that kingdom'), both phrases used by the 1286–90 guardians, emphasize both the regal scope of their authority, and also its elective nature. Wallace and Moray initially used the purely descriptive title 'leaders of the army of the kingdom of Scotland',⁶¹ later elaborated to emphasize their allegiance to King John and their acceptance (if not yet election) by the community; the altered form was 'leaders of the army of the kingdom of Scotland, in the name of the most worthy prince, the lord John, by the grace of God illustrious King of Scotland, by the consent of the community of the realm' ('duces exercitus regni Scocie, nomine preclari principis domini Johannis dei gracia regis Scocie illustris, de consensus communitatis regni eiusdem').⁶² Wallace's style after his election as guardian was almost identical, but with the addition (significantly, in precedence to his position as leader of the army) of his title of guardian: 'Willelmus Wallays miles custos regni Scocie et ductor exercitus eiusdem nomine preclari principis domine Johannis dei gracia regis Scocie illustris de consensu communitatis eiusdem regni'.⁶³ An almost identical style (without, obviously, the 'leader of the army') was used by the triumvirate of Lamberton, Bruce and Comyn,⁶⁴ though they and other guardians (including both Comyn and, in the few documents in which he is styled guardian, Soulis) also used the abbreviated style of simply 'guardian of the kingdom of Scotland' ('custos regni Scocie').⁶⁵

Thus it can be seen that the unceasing 'royal dignity' was an important concept in the medieval Scottish realm: the men who wielded the Crown's authority during the difficult years between 1286 and 1306, when the monarch was unidentified and/or absent, clearly required the *imprimatur* of those who regarded themselves as the governing community, which was given in parliament or at some other formal gathering. It was, furthermore, an authority which could be – and was – removed when it was not effectively wielded,⁶⁶ and which was represented both

⁶⁰ See Walter de Gray Birch, *History of Scottish Seals* (2 vols, Stirling and London, 1905), i, p. 37.

⁶¹ *Documents Illustrative of Sir William Wallace*, p. 159.

⁶² *Anglo-Scottish Relations*, ed. Stones, pp. 154–7.

⁶³ *Acts of the Parliaments of Scotland*, i, p. 453.

⁶⁴ *Ibid.*, p. 454.

⁶⁵ *Ibid.*

⁶⁶ Removal from office was not a sanction reserved solely for guardians: it was a threat made quite explicitly even within that celebrated example of Brucian propaganda the 'Declaration of Arbroath' (1320), where it was stated that dereliction of duty would result in the removal

symbolically and practically by the imagery and language of their government. It seems that the practical crisis of succession which followed Alexander's untimely death in 1286 offered the Scots an opportunity to develop, and to demonstrate in remarkably organized fashion, the theoretical underpinning of their kingdom's political and constitutional framework.

Guardianship – Lieutenancy – Governorship, c. 1315–c. 1424

Robert Bruce's famous victory over Edward II's host at the battle of Bannockburn in 1314 did not win his war against England. However, it did bring his regime increased dynastic security as well as political and military confidence. By early 1315 this victory in arms had resulted in the release from captivity in England of Robert's queen, Elizabeth de Burgh of Ulster (d. 1327), his only child, Marjorie Bruce (by his late first wife, of the Scottish house of Mar), and at least two of his sisters. This would allow the Bruce house to produce a number of heirs in the years down to a final peace with Edward III's fledgling regime in 1328. They included two sons for Robert, twins John (1324–6) and David (b. 1324); a grandson from the marriage of Walter the hereditary Steward to Marjorie (d. c. 1316–17), Robert Stewart (b. 1316, the future King Robert II); and at least two royal daughters and a number of nephews.⁶⁷

At first glance, this growing dynastic stability would seem to be reflected in the Scottish preference – by written entail from 1315 and in practice from 1329 – for a sequence of, usually, single guardians drawn from the leading *secular* magnates of the realm with close connections of kinship and/or lordship with the Bruce/Stewart line: indeed, Bishop William Lamberton's appointment as chief guardian in 1299, discussed above, would be the last such formal office for a prelate until Bishop James Kennedy of St Andrews' emergence as 'custodian' (or even 'uncle') of the minor James III, c. 1463–5.⁶⁸

From c. 1315 these noble guardians were, in the case of a royal minority beyond King Robert's lifetime, to have custody of the realm and any named heir. It was, of course, fully expected that such a period would be marked by a continued English military challenge. In this context it might be argued with the benefit of hindsight that perhaps the greater dynastic uncertainty of 1286–90 had dictated then the need for a compromise group of several guardians, to placate competing regional and political interests as well as to maintain the integrity of the kingdom and its institutions (this tension may also explain in part why the two guardians who died in office by 1289 were not replaced). Nevertheless, the actual evidence for the nature of proxy royal power after Bannockburn and then after Robert's death in 1329 continues to be frustratingly fragmentary. Any speculation about the changing nature, terminology, selection mechanism, powers

of the king himself (*RPS*, 1320/4/1).

⁶⁷ Penman, *Robert the Bruce*, ch. 6 and *per index* for 'succession'.

⁶⁸ Norman Macdougall, *James III: A Political Study* (Edinburgh, 1982), pp. 64–5.

and accountability of this office must thus be treated with extreme caution; all the more so as, despite Robert I's apparent success, the Bruce kingship and succession continued to face considerable opposition.

In April 1315 and December 1318, acts of Robert I's parliaments recognized the king's nephew by marriage, Thomas Randolph, Earl of Moray and Lord of Annandale, Nithsdale and the Isle of Man, as the first man set to 'have custody of [the king's] heir and the kingdom until it seems to the community of the kingdom, *or the greater part* [my italics], that his heir is capable of the government of the kingdom'. The good Sir James Douglas was named as Randolph's understudy or successor in this office in the act of 1318.⁶⁹ These nobles were in effect the nominees of the king and his close inner circle. Nonetheless, as in 1284 and 1286, the recorded language and wider political context of these statutes hint strongly that the process could only be considered legitimate if the office-holders had won consent and approval through, at least, a majority vote of the community of the realm in parliament – thus securing some sense of popular acclamation as guardian. It might also be inferred from the language of the 1315 act that the guardian might be obliged to stand down from office by a majority vote of the community in assembly, even before the heir reached full legal adulthood at twenty-five years of age.

Although no further mention survives in these acts of a fixed term of office or due process of checks-and-balances to oversee the guardianship of Randolph or Douglas, it remains likely that the political community through the estates in parliament (or a lesser 'council' assembly) was to have an acknowledged right to monitor and hold these lords to account in their fulfilment of the full royal dignity. That this office was expected to last through a number of (challenging) years following David II's accession at five years old, and that its incumbent was indeed expected to act in full in law and war *in lieu* of the new king until he came of age, is at least suggested by the evident formality of the role in contrast to the apparently temporary nature of royal proxy power otherwise arranged when Robert I was still alive but away on campaigns in Ireland c. 1315–17 (together with the guardian-in-waiting, Randolph). Although we have no official record evidence for contingencies made at this time, Archdeacon John Barbour of Aberdeen's vernacular court poem *The Bruce* (c. 1371–5), perhaps drawing on earlier sources, asserts that during these campaigns it was Sir James Douglas whom 'Wardany's in his absence maid he [Robert] / For to mantayne wele the countre'. There seems to be no scholarly dissention from the view of Barbour's modern editor, A. A. M. Duncan, that this was a temporary office more akin to that of a March (or border) warden, not a full guardianship with parliamentary sanction and oversight.⁷⁰

⁶⁹ *RPS*, 1315/1 and 1318/30.

⁷⁰ *John Barbour – The Bruce*, ed. A. A. M. Duncan (Edinburgh, 1997) [hereafter *The Bruce*], pp. 580–1; Michael H. Brown, 'The Scottish March Wardenships (c. 1340–c. 1480)', in Andy King and David Simpkin, eds, *England and Scotland at War, c. 1296–c. 1513* (Leiden, 2012), pp. 203–29.

Moreover, just as the prolonged crises of succession and war in both the Scottish and English kingdoms since *c.* 1296 had increased the powers of substantial subjects in parliament to bind adult monarchs to uphold the Church, common law and increasingly consultative government of the realm, so any guardian set to govern *in lieu* of a minor Scottish king after Robert I could be bound to expected standards. As the 1318 act stated, Randolph and Douglas consented to their anticipated role ‘having touched the holy bible and relics of the saints in a great oath to this end, that they shall govern, administrate, care for and maintain the aforesaid tutelage, care and guardianship, well faithfully and diligently’.⁷¹ This echoed the extension of estates’ supervisory powers implicit in the developing royal inauguration/coronation oaths of the day.⁷² In the closing years of Robert’s reign it was also reflected both in a further succession act of 1326, recognizing infant Prince David Bruce as heir to the throne ahead of Robert’s (older) grandson, Robert Stewart, and in further estates’ supervisory input to grants of royal taxation (1326 and 1328).⁷³

There does, however, remain the inescapable sense that these Bruce-era decisions merely pay lip-service to estates’ expectations. When Randolph did take up office as ‘guardian of the realm’ (*‘custos regni Scocie’*) in June 1329 it was a role he had probably already exercised in part for some months through Robert’s final illness.⁷⁴ Such was Randolph’s close personal association with the old king that he seems to have acted far more as the infant David II’s personal representative than as the agreed appointee of the estates. Even during the eighteen months before David’s belated coronation as king in parliament at Scone in November 1331 (the first assembly of which traces survive in the new reign), acts were issued in the name and under the seal of ‘David Dei gracia rex Scottorum’, rather than under a Randolph seal adapted to his role as guardian.⁷⁵ Indeed, the fifteenth-century chronicler Abbot Walter Bower of Inchcolm (d. 1449) once referred to Randolph by the title ‘gardianus’, but that is probably a backward reflection of the more extensive powers of ‘governorship’ held *c.* 1406–24 by the senior figure Robert Stewart, Duke of Albany, during James I of Scotland’s captivity in England; it does not necessarily prove that Randolph had greater powers than the Scottish guardians of 1286–90, or than William Wallace, John Comyn and Robert Bruce

⁷¹ *RPS*, 1318/30.

⁷² Phillips, *Edward II*, pp. 144–6; Michael Penman, ‘“The king wishes and commands”? Reassessing Political Assembly in Scotland, *c.* 1286–1329’, in Mario Damen, Jelle Haemers and Alastair Mann, eds, *Political Representation: Communities, Ideas and Institutions in Europe, c. 1200–c. 1650* (Turnhout, forthcoming).

⁷³ *RPS*, 1326/1 and 1326/2, 1328/1.

⁷⁴ ‘Custodi’ applied in: *Registrum Magni Sigillii Regum Scottorum*, ed. J. M. Thomson and J. B. Paul (11 vols, Edinburgh, 1882–1914), i, app. i, no. 103; *Exchequer Rolls*, ed. Stuart *et al.*, i, pp. 212, 240, 250, 262, 280, 294, 314, 337, 346, 370, 372, 389, 391, 397, 403, 418. The Victorian editors of the *Exchequer Rolls* apply the later term ‘Regent’ to Randolph in their index.

⁷⁵ *Regesta Regum Scottorum* [hereafter *RRS*], iv, pt 1: *The Acts of Alexander III, 1249–86*, ed. C. J. Neville and G. C. Simpson (Edinburgh, 2012), pp. 30–1.

et al. c. 1297–1304 (all of whom are styled *custos* or *custodis Scocie* in both chronicle and record sources).⁷⁶ Furthermore, according to the same later narrative source by Bower, Earl Thomas can also be found styled separately as ‘on tour in Galloway as justiciar’ c. 1330–1, an impressive king-like attention to strong justice for which he was highly praised by all Scottish chroniclers.⁷⁷ Again, this could be a faint echo of defined limits to Randolph’s office as guardian in the presence of a living (if child) king. Nonetheless, it is still tempting to speculate that David’s infancy meant that Randolph may have stood in for him physically during the Scots first full coronation rite of 1331.⁷⁸

Beyond this, though, there is suggestive evidence for political difficulties which may at once have hindered and skewed any development of the proxy office of guardian beyond Randolph’s tenure. The death of Sir James Douglas on crusade in summer 1330 was not apparently followed by any contingency to name a replacement guardian (though Robert I may have sought to associate his brother-in-law, Sir Andrew Murray of Avoch, Bothwell and Garioch, with this role in 1326). Following Randolph’s own death on the very eve of renewed war against England and the Bruces’ dynastic rivals, the Balliols, in August 1332, it does seem as if a problem of succession in this vital office which had hitherto been evaded suddenly came to the fore – perhaps because of a reluctance to install doubtful individuals with the same powers of guardianship.

The result, as in some senses in 1286, may have been a default increase in the influence of the collective estates (and thus, potentially, of faction) in the absence of an adult monarch. No coherent Scottish parliamentary proceedings survive at all from the period 1329–44, but the contemporary annalistic source later consulted by both the chronicler John of Fordun (d. c. 1383) and then Abbot Bower asserts that: ‘all the magnates, both churchmen and laymen, were gathered together at Perth, on the 2nd of August [1332]; and after a great deal of wrangling and sundry disputes, they, with one voice, chose Donald, Earl of Mar, as guardian of the kingdom.’⁷⁹ Although Donald was Robert I’s eldest remaining nephew, it is possible that many in Scotland had hopes and/or doubts about his links with Edward II and the Balliols. This may have caused his office to be circumscribed, either by conditions being placed upon its powers and accountability, or perhaps

⁷⁶ *Chron. Bower*, vii, pp. 56–7. Correspondence to, from and by the English also styles Randolph as both ‘warden of the land of Scotland’ and ‘Guardian of Scotland’ [*RRS*, iv, pt 1, p. 31]; *Calendar of Documents Relating to Scotland*, ed. J. Bain (5 vols, Edinburgh, 1881–8), ii, p. 535 (misdated, *recte* 6 April 1299).

⁷⁷ *Chron. Bower*, vii, pp. 56–7.

⁷⁸ Michael Penman, *The Bruce Dynasty in Scotland: David II, 1329–71* (East Linton, 2004), pp. 45–6. A child-sized coronet was made for David for this ceremony, Scotland’s first full coronation with anointing: *Exchequer Rolls*, ed. Stuart *et al.*, i, pp. 389, 403; *Chron. Bower*, vii, p. 71. English chronicles mocked the infant king for soiling the altar during the ceremony: *Chronica Monasterii de Melsa*, ed. E. A. Bond (3 vols, London, 1868), ii, pp. 361–2. Such were Scottish doubts about this ceremony that Archdeacon Barbour’s poem in fact rewrites history to place it within Robert I’s lifetime, c. 1326: *The Bruce*, pp. 744–9.

⁷⁹ *Chronica Gentis Scotorum*, ii, p. 346; *Chron. Bower*, vii, pp. 78–9.

even by the imposition of a shorter fixed-term requiring renewal.⁸⁰ The fact that the reigning (and thus in a sense nominating) king was a minor (unlike Robert I in 1315, 1318 and 1326) may also have limited the power extended to Mar. This, however, is again speculation in the absence of any record evidence: besides, within days of his appointment Mar and a number of other leading lords would be killed by Edward Balliol's forces at the battle of Dupplin.

It does seem pertinent, though, to question whether or not the Bruce Scots' dire situation in 1332–3 contributed to a contested and disputed period and type of guardianship. No official record or seal remains extant from the office of the man next named by chroniclers as guardian (*custos*), Sir James' brother, Archibald Douglas (of Lothian and perhaps Liddesdale). Douglas may only have taken over in the field of war after the first choice, Sir Andrew Murray, Robert I's brother-in-law, was captured by the English soon after Dupplin.⁸¹ Moreover, the fragmentary royal financial rolls for 1332 name both Murray and Patrick Dunbar, Earl of March, as 'tunc custodi' sometime that year, perhaps reflecting a regional division of this office over the northern and southern halves of the realm in a time of crisis.⁸² Either way, although the Scottish chroniclers assert that Douglas's military strategies were decided 'in council', hinting at supervision of his office, he too was slain within a year, alongside many other pro-Bruce magnates, at the battle of Halidon Hill (19 July 1333).

However, the next official record naming an officer acting as proxy for David II is a letter of April 1335 in support of the abbey of Arbroath's property rights issued by Robert the hereditary Steward of Scotland, David II's nephew and heir presumptive, as 'king's lieutenant' ('locum tenens'), not guardian (*custos*).⁸³ In fact, this was an office with responsibilities which – as perhaps with Murray and March – Steward shared at this time with Earl Thomas's younger son, John Randolph of Moray, Annandale and Man (as confirmed by their joint letters extant from Dundee in May 1335).⁸⁴ Yet, as with Comyn and Bruce as co-guardians c. 1298–1300, this overlay an increasingly bitter struggle for control of regional royal resources, policy and following, all of which would come to a head in a major falling-out at a war council at Dairsie in Fife in May 1335. Such was the level of Bruce/Randolph *versus* Stewart dispute in 1334–5 (a rivalry that only increased during David's later absences before 1341 and between 1346 and 1357), that later Scottish chroniclers tended to describe this first period of lieutenancy as their own political loyalties dictated: the pro-Bruce John of Fordun, for example, asserted that only John Randolph had then been king's lieutenant.⁸⁵

⁸⁰ Penman, *David II*, pp. 47–8.

⁸¹ *Chronica Gentis Scotorum*, ii, p. 348; *Chron. Bower*, vii, pp. 82–3, 90–1.

⁸² *Exchequer Rolls*, ed. Stuart *et al.*, i, p. 428. Indeed, *Chron. Bower*, vii, pp. 74–5, states March 'had been entrusted with the guardianship of the region south of the Firth of Forth'.

⁸³ *RRS*, vi, no. 11.

⁸⁴ *Ibid.*, nos 12–13.

⁸⁵ *Chronica Gentis Scotorum*, ii, p. 350. By contrast, *Chron. Bower*, vii, pp. 106–7, written in the 1440s, asserts that 'the magnates and communities also agreed to elect the Steward and the earl of Moray as guardians of the kingdom [c. 1334]'.

But all this messy conjecture rather distracts us from consideration of whether or not a 'lieutenant' had different, lesser powers than a 'guardian'. The youth of both Steward (aged nineteen) and Randolph (a similar age) surely made this possible, as did the exile of the child-king David and his court to Normandy from May 1334 and the practical difficulties of seeking election or at least approval for any new guardian by a Scottish council or full parliament assembly of the dwindling pro-Bruce estates.

Indeed, it was only with Sir Andrew Murray's victory in battle over Edward III's leading ally in Scotland, the pro-Balliol David Strathbogie, Earl of Atholl, who was killed at Culblean on 30 November 1335, that a more focused proxy leadership and regional dominance for the Bruce Scots could be restored. Murray's letters of 4 December 1335 survive from Strathbogie castle similarly styling him as 'lieutenant' (*locum tenens*) alone, following the apparent dismissal (or possible temporary defection?) of Steward and the English capture of Randolph.⁸⁶ Abbot Bower would later claim that Murray was then 'recalled' or 'reappointed' ('revocatus') as 'guardian for King David' ('custodem ex parte Regis David') at Dumbarton castle, a stronghold from which the Steward had otherwise operated but also a sea port through which (like newly secured Aberdeen on the north-east coast) sealed royal letters of appointment could have arrived from David's exiled administration. But all the Scottish chroniclers seem to agree that it required a subsequent gathering of 'the magnates of the kingdom' at Dunfermline Abbey in Fife (the royal mausoleum) for Murray to be 'accepted by everybody as guardian of Scotland'.⁸⁷

We should not, however, accept too readily the notion of Murray, in favour with the regime-in-exile of his nephew, David II, thus advancing to the fuller office of guardian while the former lieutenant, Steward, suffered a period of marginalization.⁸⁸ Again, the patchy royal accounts for this period do record Murray as still '*locum tenenti*' in 1337 (when £1,000 in alms payments set for the tomb of Robert I at Dunfermline were confirmed as having been transferred to ransom Murray out of English captivity in 1335); and we lack any Murray seal from his period in office from which we might draw interpretation based on heraldry or motto.⁸⁹

Nonetheless, given Murray's strong leadership – turning the tide against occupation in Scotland while Edward III committed himself to war in France – the Bruce Scots may have been tempted to invest continued faith and full powers in the office of guardian. However, Murray's death in 1338 exposed a power vacuum into which, according to extant letters of July and October 1339, Robert Steward returned as 'king's lieutenant'.⁹⁰ Steward continued to recover royal castles, take

⁸⁶ *RRS*, vi, no. 14.

⁸⁷ *Chronica Gentis Scotorum*, ii, p. 352; *Chron. Bower*, vii, pp. 116–17. Again, though, such is the paucity of the record and narrative evidence that we should note that Fordun's annals also describe Murray as dying in 1338 while 'warden of Scotland'.

⁸⁸ See Penman, *David II*, pp. 53–66, for this period.

⁸⁹ *Exchequer Rolls*, ed. Stuart *et al.*, i, pp. 435, 445, 446, 451, 461, 468.

⁹⁰ *RRS*, vi, nos 16–17. Although the chronicles style Steward as being 'made' (*Chronica Gentis*

Scots' (re)submissions to King David's fealty and to restore administration. Some of this work seems to have been undertaken under the periodic oversight of the estates in council or parliament, a fact which neither confirms nor denies the possibility that the style of Steward's office did indeed represent more limited powers. Yet this was also a period marked by the exiled David's issue of charters under his own seal through Dumbarton castle or his father's former chancery at Arbroath abbey, and an increasingly open competition between followers of the king on the one hand and of the lieutenant on the other for control of royal offices and revenues.⁹¹

The legacy of these tensions would be played out as a bitter series of confrontations between the Steward and the young adult David following the king's return from exile in May 1341. Much of this involved intrusive, partisan Crown review of the Steward's decisions while lieutenant. For example, in a parliament of June 1344 Malise, Earl of Strathearn, was forfeited for having surrendered his earldom to the Anglo-Balliol occupation regime despite the fact that he had previously been acquitted when he 'underwent an assize by the whole kingdom for the said crime' (suggesting the highest court of a parliament *c.* 1339–41) in the presence of Robert Steward 'then lieutenant of the said lord king'.⁹² The same 1344 assembly also saw the king and his closest councillor, John Randolph, Earl of Moray, challenge the office of William, Earl of Ross, as Justiciar of the North, a position also perhaps approved in his control by the estates *c.* 1334–41.⁹³ All told, it is hard to ignore a growing suspicion that all this conflict and distrust meant that when David II was captured, and Randolph and many other Crown supporters killed, by the English in battle at Neville's Cross near Durham in 1346, the surviving leaders of the estates sought to further control and limit the chief office of proxy royal power: this was after all a campaign which had seen Ross desert the host before it left Scotland and Steward abandon the field, leaving his royal uncle to his fate.⁹⁴

No parliamentary rolls survive intact for the second period of David's absence *c.* 1346–57. We are reliant once more upon Scottish chroniclers of competing political loyalties for the events of these years. According to Fordun's annals:

the chief men who were left were gathered together [in later 1346 or early 1347?], and, lest the state of the commonwealth should be thrown into confusion, chose unto themselves, as guardian, the lord Robert, steward of Scotland, the aforesaid king's nephew; deeming that, forasmuch as he was the most powerful of all, the general interests would be most strongly guarded by him. But how he governed in

Scotorum, ii, p. 355) or 'elected' (*electus* – *Chron. Bower*, vii, pp. 136–7) by the estates in this office.

⁹¹ *RRS*, vi, nos 18–19; Penman, *David II*, pp. 67–75.

⁹² *RPS*, 1344/2.

⁹³ *RPS*, 1344/3.

⁹⁴ Penman, *David II*, chs 3–4.

the office of warden – how he governed the kingdom intrusted unto him – his deeds show forth unto all times.⁹⁵

By contrast, Abbot Bower asserted (in the 1440s) that the Steward was re-elected (*reelectus*) as guardian and ‘on the strength of this he appointed sheriffs, *baillies* and officials anew’, ruling wisely throughout his tenure of office.⁹⁶ However, it should be noted that, again, the terminology used by Bower (d. 1449) may have been influenced by the selection process behind the appointment of Archibald, fifth Earl of Douglas, in 1437 as ‘lieutenant-general of the realm’ at the opening of the minority of James II of Scotland.⁹⁷ Moreover, a single extant letter of 9 June 1348 makes it plain that in fact the Steward was once again ‘king’s lieutenant’.⁹⁸ Robert Steward was King David’s legitimate heir presumptive with a decent war record against England (and there never seems to have been any question of appointing as guardian David’s young English queen, Joan, the twenty-five-year-old sister of Edward III). Yet there may be further cause to consider that the dilemma of their king’s captivity, the recent French defeat in battle at Crécy (with John II of France also left a captive), and the history of antipathy between the Bruce and Stewart parties – with real fears about Stewart ambivalence towards David’s return and territorial designs – all drew the Scottish estates to attempt to further check the reach and duration of lieutenancy.

Sometime in 1350, a petition was sent from Scotland to the papacy requesting absolution from a vow of pilgrimage to Rome for ‘William earl of Ross, Thomas earl of Mar, William Douglas lord of the same, *guardians of the realm of Scotland* [...] they being unable to come to Rome on account of the destruction of the state and the wars’.⁹⁹ This may have been a title simply assumed by these lords to aid their petition, an exaggeration of the regional jurisdiction of each man. But it is also distinctly possible that the Steward had been removed as lieutenant – (as in 1335?) either by due process in a council or parliament, or by force – or simply replaced after a prescribed three-year tenure; thus a triumvirate of magnates including two younger lords new on the scene, all prepared to work to aid the king and his recovering party, were appointed in his stead. Ross, Mar and Douglas and the estates were all closely involved in discussions initiated by David to secure his release by offering the English royal family a place in the Scottish succession ahead of the Stewarts.

However, by the time firm plans came to be considered in a parliament at Scone in February 1352 – with David even present briefly on hostage-parole from England – the Steward had seemingly recovered his position as sole ‘lieutenant’.

⁹⁵ *Chronica Gentis Scotorum*, ii, pp. 358–9. This echoes Fordun’s pro-David criticism of Steward as lieutenant c. 1338–41 as a time when he can be judged as ‘an old man in his deeds’.

⁹⁶ *Chron. Bower*, vii, pp. 270–1.

⁹⁷ *RPS*, 1448/11/1.

⁹⁸ *RRS*, vi, no. 112.

⁹⁹ *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland: Papal Letters*, ed. Walter H. Bliss *et al.* (16 vols, London, 1893), iii, p. 200.

Moreover, far more than on previous occasions, the consensual and supervisory link between the estates in assembly and the selection and supervision of lieutenantancy may have actually served to enhance Steward's support as he stood in opposition to David's anglophile plans, which appeared as a clear and present danger to the integrity of the realm, its kingship, Church, nobility, laws, customs and economy.¹⁰⁰ Crucially, this was a role Steward would be able to repeat in 1363–4 when parliament rejected David's succession plans for a second time, a decision for which something of the heated chamber debate survives in the form of a disputation or *questio* recorded in the later fourteenth century (and which stressed that 'we have many nobles ready to be made our leaders').¹⁰¹ Only when David had dropped his bluff about an English heir presumptive and pursued instead a straightforward ransom did the Steward as 'king's lieutenant' find himself obliged by the Scottish estates to facilitate talks for his nephew's release (estates which would include the burgesses as a fixed and tax-paying third estate from David's return in 1357). Steward can be found as 'lieutenant' issuing letters to appoint ambassadors c. 1354–7, although, interestingly, he did so under his own private seal, not a separate seal of office, in a period when David's own royal charters and letters continued to be issued through his clerks as they travelled back and forth to his prison in England.¹⁰²

Thus, as with the period 1332–41, proxy leadership and its counsel by the wider community of the realm had served to sustain the independent kingdom of Scotland through recurrent English invasion c. 1346–57. Nevertheless, far more so than during David's minority, internal tension had clearly intensified around the contested possession and powers of the office of lieutenant or guardian during David's second prolonged absence. Some of this strain is surely reflected in the terms of a secret and in the end abortive Franco-Scottish alliance negotiated in April–May 1359, at a time when the Steward was once more briefly ascendant over his king's political interests. In that accord, David was obliged against his will to accept French gold and a pact in which it was stipulated that the 'King, Governor or the Guardian of Scotland and their heirs and successors' were to resume active war against England as soon as the last noble hostages surrendered to Edward III for David's freedom in 1357 were released.¹⁰³ The broad possibilities of leadership suggested by this language hint that not only were all parties aware that David might be sent back to an English gaol for ransom default by his Scottish subjects in parliament, but that Robert Steward wanted and expected more by way of surrogate royal power, given his own royal blood and territorial

¹⁰⁰ Penman, *David II*, pp. 153–74.

¹⁰¹ *RPS*, 1364/1; A. A. M. Duncan, 'A Question about the Succession, 1364', *Scottish History Society Miscellany*, 13 (1994), pp. 1–57, at 49 no. 45. The same source also styled Steward as 'then [1352] Guardian of the kingdom in the absence of the king' ('tunc custodem regni rege absente') (ibid., p. 27 no. 4).

¹⁰² *RRS*, vi, nos 133, 137–8, 141, 143, 146.

¹⁰³ *AN*, J677 nos 7 and 8; *NRS*, RH1/2/3; *BL*, Additional MSS 30, 666; Michael Penman and Roland Tanner, 'An Unpublished Act of David II, 1359', *SHR*, 83 (2004), pp. 59–69.

dominance (with his family by then holding the earldoms of Strathearn, Menteith and Fife).

All these developments around the office of proxy royal power during David's reign sowed the seeds of further change under the Stewart dynasty. In 1371, the still childless David died and the older Steward became king as Robert II. At fifty-five he had already survived a long career in which he had learned that political action with the legitimate approval of the community of the realm, and leadership in the absence of an adult king through the office of a guardian or lieutenant appointed in the name of that community, was a vital principle in ensuring the survival and integrity of the kingdom of the Scots.¹⁰⁴ In many ways these were ideals enshrined not only in Robert I's acts of succession, which ultimately guaranteed the Stewart kingship, but also in Barbour's poem *The Bruce*, a court favourite after 1375 which Robert II endorsed.¹⁰⁵

Steward had also learned through his many trials c. 1332–44 and then c. 1347–64 that control of that proxy office, and the support of the majority of the community in upholding subjects' expectations of Scottish kingship, was also a route to securing political momentum and with it dynastic and territorial advantage. In his later years, he was to find that his own sons and their magnate allies turned this mechanism to their own advantage and in so doing marginalized his personal authority as king. This series of palace coups or irresistible transitions, moreover, saw the powers and reach of the proxy office further evolve to suit the ends of ambitious magnates who had lived through the absentee years of David II.

Thus, in a council at Holyrood abbey in November 1384, Robert II (sixty-eight years old) was declared infirm and his eldest son, John Stewart, Earl of Carrick (born c. 1336), was recognized by the 'three communities' of the realm as appointed to 'cause execution of common justice throughout the realm'. Although Carrick and his chief ally, James, second Earl of Douglas, had clearly packed both the king's counsel and the more general political council to secure what they wanted, Carrick was still to 'be held to answer to the king and council'¹⁰⁶ with an office which, with the king's consent and under his signet seal and letters, was 'to endure through three years'. Moreover, Carrick was styled more often in the records of councils and parliaments – which Robert II still attended and engaged with – as the man charged with upholding access to and the execution of justice throughout the realm,¹⁰⁷ rather than as the king's full 'lieutenant' (*locum tenens*)¹⁰⁸ acting in his physical absence from the kingdom, as had been the case c. 1334–41 and 1346–57. A striking metaphor for Carrick's ambition but frustration in his

¹⁰⁴ Stephen Boardman, 'Coronations, Kings and Guardians: Politics, Parliaments and General Councils, 1371–1406', in Brown and Tanner, eds, *Parliament and Politics in Scotland*, pp. 102–22.

¹⁰⁵ *Exchequer Rolls*, ed. Stuart *et al.*, iii, pp. 136, 208, 675, 681; *The Bruce*, pp. 3, 515–16.

¹⁰⁶ RPS, 1384/11/4

¹⁰⁷ RPS, 1385/4/3.

¹⁰⁸ RPS, 1385/6/1.

shadow office remains in his seal as lieutenant, depicting a lion passant with a crown held tantalizingly above it.¹⁰⁹

Carrick's own physical impairment, sustained before the battle of Otterburn in 1388, facilitated another advancement of proxy power, this time by his younger brother, Robert Stewart, Earl of Fife and Menteith (born c. 1340). In a similarly packed council at Edinburgh in December 1388 (otherwise at the end of Carrick's stipulated term of office), power was transferred to Fife.¹¹⁰ This office was similarly time-limited, until the end of Carrick's infirmity or the maturity of Carrick's eldest son, David Stewart (b. 1378), who could be expected to follow his grandfather and father as king; the office was also answerable to an annual council or parliament. Yet Robert of Fife was to be given the older style of 'guardian' (*custos*) and to be responsible for both 'putting into effect justice and keeping the law internally, and for the defence of the kingdom with the king's force, as set out before, against those attempting to rise up as enemies'. Aided by Fife's simultaneous control of the chief royal financial office of Chamberlain, this does seem to mark an increase in the proxy authority assumed by this prince of the blood. As a result Robert II would serve out his days as in effect an absent or exiled king on his family's western estates.¹¹¹

This was a decision justified by community consent which allowed Fife to be retained as guardian following Carrick's own accession (and name-change) in acceding as Robert III in 1390. It was also the culmination of a decade of political manoeuvring which Fife could again call upon when the approaching adulthood of David Stewart – raised to the dukedom of Rothesay at the same time as Fife became duke of Albany – obliged Fife in turn to stand back from a dominant guardianship role.¹¹² However, there is general consensus among historians that Albany's hand is to be read as predominant in the back-room political deal of late 1398 which saw Rothesay appointed just two months later by a general council of the estates (held in Perth) to his father's old proxy title as 'king's lieutenant generally through the whole kingdom for the term of three years, having full power and commission of the king to govern the land in all ways as the king should do in his person if he were present'. In this David was again to be bound by the advice of either an annual council or parliament, but also, on a day-to-day basis, by a council of twenty-four nobles – their names recorded in the parliamentary minutes – headed and dominated by Albany himself.¹¹³

The limitations of this commission as a lieutenant of January 1399 might be said to reflect Rothesay's youth and inexperience as well as the apparent partial

¹⁰⁹ *Charters of the Friars Preachers of Ayr* (Ayr and Wigtown Archaeological Association, 1881), pp. 27–8: it is difficult to tell from this extant example of this seal if the hands holding the crown represent those of God or some secular figure.

¹¹⁰ *RPS*, 1388/12/1.

¹¹¹ Stephen Boardman, *The Early Stewart Kings: Robert II and Robert III, 1371–1406* (East Linton, 1996), ch. 6.

¹¹² *Ibid.*, ch. 7.

¹¹³ *RPS*, 1399/1/2 and 3; Boardman, *Early Stewart Kings*, ch. 8.

physical recovery of his father as king. But there is still arguably political pressure to be read into the distinction made between Rothesay's office and Albany's past tenure. This was a power of oversight which Albany would turn to protect his own interests, and therefore against Rothesay, arguably just as he was coming into his own as an adult ruler and with the possibility that he might persuade the community to renew his appointment at January 1402 and extend his powers to match those of Albany's earlier guardianship. By late 1401, however, Albany had put sufficient pressure on Robert III, and had gathered sufficient interest within Rothesay's own household following, to facilitate the young lieutenant's isolation, dismissal and arrest. But the highly suspicious death in custody of Rothesay which followed came at a price. Albany may have been able to pack and control another general council in Edinburgh in May 1402, for he was certainly able to resume 'the power of doing all that he might do for the rule and governance of the people, for the defence of those who are enemies of the people of England, and for the suppression of transgressors within [the kingdom], and for all and singular things, both in peace and in war, which it pertained to the lord king to do'.¹¹⁴ Yet this was only to be a lieutenancy, seemingly on a rolling two-year basis, and inevitably heading towards a fresh clash as Robert III's surviving son, James (b. 1394), similarly grew to adulthood.

It was the transformative and unpredictable outcome of these tensions, namely the English capture of Prince James in 1406 quickly followed by the death of Robert III, which would see the development of proxy royal power in Scotland jump to the next level. In these circumstances, without the physical presence of a minor legitimate heir to anoint and crown as king, Albany would be elevated to the role of 'governor general of the kingdom' (*generalis gubernatoris regni Scotie*). With the late king's great seal broken, Albany would exercise power under his own seal of office, which displayed a royal figure both as mounted leader in war and font of justice and patronage, and was marked with 'regnal years'.¹¹⁵ This imagery was strikingly different from that on the seal of the multiple communal guardians appointed in 1286, the last occasion on which the rightful if uncrowned royal heir was in exile from the kingdom: indeed, Albany's seal as governor closely approximated royalty, for if James (I) were not to return, Robert Stewart of Fife (Robert IV) and his sons were the lawful heirs presumptive by a further parliamentary succession act of 1373.

Thus, even more so than with Thomas Randolph's possible ceremonial role as proxy for the infant David II in 1331, it is tempting to speculate that Albany's ritual of installation in 1406 was more akin to a coronation – in the absence of the king – than a mere oath-swearing on the Gospels and relics.¹¹⁶ Although

¹¹⁴ *RPS*, 1402/5/1, 1404/4; Boardman, *Early Stewart Kings*, ch. 9.

¹¹⁵ *RPS*, A1406/1, 1416/2, 1417/1 and 2; Karen Hunt, 'The Governorship of Robert, Duke of Albany (1406–1420)', in Michael Brown and Roland Tanner, eds, *Scottish Kingship, 1306–1542: Essays in Honour of Norman Macdougall* (Edinburgh, 2008), pp. 126–54; Birch, *History of Scottish Seals*, i, nos 34–5, pp. 163–5.

¹¹⁶ We may find here, indeed, the origins of the ceremony of 'coronation' which Marie de Guise

denied the key royal powers of calling a full parliament and of issuing great seal patronage – as well as burdened with the practical need to accommodate the interests of other ambitious regional magnates – Albany's power until his death in 1420, followed by the office of his son Duke Murdoch as Governor until James I's return in 1424, represented the zenith of proxy authority in the medieval Scottish kingdom.¹¹⁷

Conclusion

During the 'long fourteenth century' from 1286 to 1424, Scotland's monarchy was in abeyance, minority, exile, or prison for a total of eighty-three years (or 60% of that period). Thus, long before the repeated royal Stewart minorities of the fifteenth and sixteenth centuries, the Scottish political community had intense cause to conceptualize, define, manage and adapt an office of prolonged and crisis-time proxy royal power.¹¹⁸ Although the evidence for this earlier period remains fragmentary, what does survive suggests that the substantial subjects of the realm were able or obliged to act in concert to shape and differentiate this office in response both to the specific circumstances of the time – whether the throne was vacant or the rightful heir a minor, female, captive, uncrowned, too old or bodily infirm – and to the status of the likely incumbent. Moreover, some process of 'election' by the community of estates seems to have been consistently applied, but also informed by the royal blood, noble rank, military (and thus political) might, experience and worthy character of a prospective 'guardian', 'lieutenant' or 'governor'. The possible differences of power and accountability suggested by these variant titles also speak to the apparently increasing supervision of this officer by the estates, developments seemingly formalized towards the end of the period under the troubled early Stewart kings by periods of office bound by time limits and the need to consult daily counsel or annual council or parliament on key matters of policy such as justice, defence or finance.

All told, the deployment and development of proxy royal power in Scotland from 1286 undoubtedly helped save, restore and preserve the independent Scottish kingdom, and may even be said to have contributed to the definition of the very concept of that independence. Together with royal succession *c.* 1315–73, it also arguably nurtured the development of representative assembly in that realm, and did so far more directly than could have been achieved through such Crown–subject interactions as taxation or mobilization for war (as happened by contrast

went through as 'Regent' for her absent infant daughter, Queen Mary, in 1549: Lucinda Dean, 'In the Absence of an Adult Monarch: Ceremonial Representations of Authority 1543–1558 by Marie de Guise, Regent of Scotland', in Katherine Buchanan, Lucy Dean and Michael Penman, eds, *Medieval and Early Modern Representations of Authority in Scotland and the British Isles* (Abingdon, 2016), pp. 143–62.

¹¹⁷ *RPS*, 1423/5/1.

¹¹⁸ Peter G. B. McNeil, 'The Scottish Regency', *Juridical Review*, 12 (1967), pp. 127–48. And see Amy Blakeway, *Regency in Sixteenth-Century Scotland* (Woodbridge, 2015).

in contemporary England and France). While this evolving surrogate office – as with the powerful legitimating influence of the wider community of the realm – could certainly provide a focus and means for facilitating internal political rivalry, in the longer term, it could also be said to represent a profound historic apprenticeship for a Scottish community which would have to provide sustained proxy royal government following the regnal union with England of 1603.

Absentee Authority in Late Medieval Iceland, as Viewed from the Literary Sources

HANS JACOB ORNING

How did royal authority manifest itself on a local level in the Middle Ages? In my book *Unpredictability and Presence: Norwegian Kingship in the High Middle Ages*, I tried to demonstrate what happened in the king's physical presence in high medieval Norway.¹ My argument was that in spite of a well-developed royal legislation, administration and ideology, kings frequently appealed to a variety of other cultural norms, the most important being their demand for respect in a public political arena highly sensitive to honour and demonstrative gestures. Struggles and negotiations concerning such signs are what medieval sources often circle around.

The next historical challenge lies in retrieving what happened when the king was absent, and how it was possible for him to govern at a distance, considering that norms of obedience were hardly internalized. Late medieval Iceland provides an excellent example for studying absentee authority, since the king never set foot on the island after it became part of Norway in 1262/64. This signalled the end of the king-less Free State period (930–1262/64), and henceforward Iceland was ruled by bailiffs and law men appointed by the Norwegian king.² Nordic integration went a step further from 1397, when Denmark, Sweden and Norway formed the Kalmar Union. Iceland now became a Nordic periphery instead of a Norwegian one.

This article will focus on fifteenth-century Iceland. This period has suffered from a particularly bad reputation among Icelandic historians, partly since Iceland was finally hit by the plague (in 1402–4 and 1494–5), partly because the lack of central power led to discord of all kinds,³ and partly because of the source situation: contemporary sagas were long-since gone, annals were not written after 1430 (until *c.* 1550), and we retain very few diplomas. Yet, politically speaking,

¹ Hans Jacob Orning, *Unpredictability and Presence: Norwegian Kingship in the High Middle Ages* (Leiden, 2008).

² Björn Þorsteinsson, *Island* (Copenhagen, 1985), pp. 117–43; Gunnar Karlsson, *Iceland's 1100 Years: The History of a Marginal Society* (London, 2000), pp. 118–22.

³ Björn Þorsteinsson and Guðrún Ása Grímsdóttir, *Saga Íslands, V* (Reykjavík, 1990), p. 97, laments that royal officials were not strong enough to prevent the urges of blood revenge from surfacing.

this was a golden century in Icelandic history, as English merchants and fishermen started sailing to Iceland in large numbers, placing the island in midst of a power struggle in the North Atlantic and earning the period the label 'The English Century'.⁴ Moreover, though the period was marked by violence and homicide, these struggles show some regularities that are not concomitant with lawless chaos, as pointed out by Helgi Þorláksson.⁵

Finally, twenty-first-century research has drawn attention to how the production of saga manuscripts can throw light on this contemporary historical context. Christopher Sanders argues that 'the local aristocracy of the period had a keen sense of its own identity which it sought to manifest and strengthen through the production of manuscripts'.⁶ Here the increased popularity of adventurous genres such as legendary sagas (*fornaldarsögur*), romances (*fornsögur suðrlanda*) and chivalric sagas (*riddarasögur*) is of special interest. Several scholars hold that these sagas created a vision of an aristocratic society that functioned to cement the nobility's identity, in addition to bringing Iceland closer to Europe.⁷

In this chapter, I shall pursue this approach of combining literary and diplomatic sources further, taking as my starting point a manuscript whose date and place of origin we know, and then relating it to its historical context. Arnarnæan Manuscript (AM) 343a 4to (Reykjavík) was produced at one of the main literary centres of Iceland in the third quarter of the fifteenth century: Möðruvellir fram, a large farm in the valley of Eyjafjörður in northern Iceland, where several other manuscripts were produced in this period.⁸ The head of this 'big farm' in this period was Margrét Vigfúsdóttir. She was born in 1406 into one of Iceland's leading families – both her grandfather and father acted as *hirðstjóri* (retinue leader, in practice head of Iceland).⁹ In 1436 she married Þorvarðr

⁴ Björn Þorsteinsson, *Enska öldin í sögu Íslendinga* (Reykjavík, 1970). This work goes far in interpreting Icelandic politics as a struggle between 'Danish' and 'English' interests, cf. Þorsteinsson, *Island*, pp. 117–43.

⁵ Helgi Þorláksson, 'Vald og ofurvald: Um innlent vald, erlent konungsvald og líkamlegt ofbeldi á 15. öld', in *Leiðarminni: Greinar gefnar út í tilefni 70 ára afmælis Helga Þorlákssonar 8. Ágúst 2015* (Reykjavík, 2015), pp. 279–95.

⁶ Christopher Sanders, 'Tales of Knights: Perg. Fol. nr. 7 in the Royal Library, Stockholm', in P. Springborg, ed., *Manuscripta Nordica* (Copenhagen, 2000), p. 52.

⁷ Sigríður Beck, *I kungens frånvaro* (Gothenburg, 2011), pp. 117, 188–90, 235–46; Henric Bagerius, *Mandom och mödom: Sexualitet, homosocialitet och aristokratisk identitet på det senmedeltida Island* (Gothenburg, 2009), pp. 42, 73; Jón Viðar Sigurðsson, 'Historical Writing and the Political Situation in Iceland, 1100–1400', in A. Eriksen and J. V. Sigurðsson, eds, *Negotiating Pasts in the Nordic Countries: Interdisciplinary Studies in History and Memory* (Oslo, 2010), pp. 59–78.

⁸ They include: Holm perg 7 fol; AM 81a fol; AM 243a fol; AM 132 4to; AM 579 4to (in fragments); AM 445c II 4to (in fragments); AM 162 Aq fol (in fragments); and AM 673a III 4to. Cf. Sanders, 'Tales of Knights', pp. 44–52; Stefán Karlsson, 'The Localization and Dating of Medieval Icelandic Manuscripts', *Saga-Book*, 2/25 (1999), pp. 138–58.

⁹ Her father, Vigfús Ívarsson, was appointed *hirðstjóri* by Queen Margrete in 1389, and he married into a leading Norwegian family which may have roots going back to King Hákon Hákonarsonar: *Islandske Annaler indtil 1578*, ed. G. Storm (Kristiania, 1888), pp. 276, 356;

Loftsson, son of Iceland's wealthiest man, and settled at Möðruvellir fram, which formed part of Þorvarðr's patrimony. Þorvarðr died only ten years after their marriage, and for the next forty years Margrét remained a widow at Möðruvellir fram until her death in 1486.

The manuscripts produced at Möðruvellir fram are characterized by a plurality of genres and perspectives. The people living there evidently felt themselves to be part of a community with Norway, as Norwegian contemporary kings' sagas (*Sverre's saga* and *Håkon Håkonsson's saga*) and *The King's Mirror* can be found there.¹⁰ However, acknowledging Norwegian superiority did not imply that Margrét and her kin were foreign to more 'nationalistic' Icelandic literature like *Egils saga Skalla-Grimssonar*, which explained the Icelandic settlement as a move away from tyrannical Norwegian kings.¹¹ Yet clearly the most productive and popular genre at Möðruvellir fram were legendary sagas, romances and chivalric sagas that took people further away to a world where kings were commonplace, in Scandinavia, Europe, Africa and Asia. This is the case in three voluminous manuscripts: Holm perg 7 fol, with three chivalric sagas and eight romances; AM 579 4to (existing only in fragments), almost identical to Holm perg 7 fol; and the main manuscript in this analysis, AM 343a 4to, containing nine legendary sagas, five romances and one *æfintyr* (moral fable).¹²

It might not be self-evident how adventurous sagas with their stereotyped plots can tell us anything about the king's role in society in the late Middle Ages. However, situating sagas far away in time and space did not remove them from contemporary issues. Rather, the distant framework provided a promising setting for discussing and handling contemporary tensions, as this could be done more

Randi Bjørshol Wærdahl, 'Norges konges rike og hans skattland: Kongemakt og statsutvikling i den norrøne verden i middelalderen' (unpublished PhD dissertation, Norwegian University of Science and Technology, Trondheim, 2006), pp. 226–7; *Islandske Annaler*, ed. Storm, p. 284. Margrét had a sister who married in Norway: *Diplomatarium Islandicum* (16 vols, Reykjavík, 1857–1972) [hereafter *DI*], v, p. 697; *Diplomatarium Norvegicum* (21 vols, Oslo, 1849–), i, p. 877.

¹⁰ AM 81a fol and AM 243a fol were probably produced and preserved together. The former contains the Norwegian contemporary kings' sagas *Sverris saga*, *Böglunga sögur* and *Hákonar saga Hákonarsonar*, while *Konungs skuggsiá* can be found in the latter. Margrét herself had strong bonds to Norway. Her grandmother was Norwegian, she had a sister living there, as well as several properties: *Diplomatarium Norvegicum*, iv, p. 457. Among the sagas her family had kept in their custody was *Beyvers saga*, which figured in the wedding inventory of Margrét's grandmother in 1366.

¹¹ *Egils saga Skalla-Grimssonar* is found in fragments in AM 162 Aη fol.

¹² AM 343a 4to consists of *Þorsteins þátrr bæjarmagns*, *Samsons saga fagra*, *Egils saga einhenda ok Ásmundar berserkjabana*, *Flóress saga konungs ok sona hans*, *Vilhjálm's saga sjóðs*, *Yngvars saga víðförla*, *Ketils saga hængs*, *Grim's saga loðinkinna*, *Örvar-Odds saga*, *Ans saga bogsveigis*, *Sáluss saga ok Nikanórs*, *Hálfðanar saga Eysteinnsonar*, *Bósa saga ok Herrauðs*, *Vilmundar saga víðutan* and *Perus saga Meistarar*. The last one is an *æfintyr*. *Samsons saga*, *Flóress saga*, *Vilhjálm's saga*, *Sáluss saga* and *Vilmundar saga* are classified as *fornsögur suðurlanda*, the remaining nine sagas as *fornaldarsögur*.

straightforwardly under the cover of a distant place and time.¹³ There are, of course, challenges with using such sagas as historical sources. First, it is difficult to 'translate' adventurous stories into contemporary issues. Second, the manuscripts do not fit into any neat scheme when it comes to the selection of sagas, which seem to follow one another in a haphazard order.¹⁴ Nevertheless, the task is not futile. Concerning the second challenge, the vast resources put into the production of manuscripts (skins from more than 100 sheep were needed to produce a large manuscript) make it hard to maintain that this work was done without purpose, as stated by Barbara Shailor: 'miscellaneous manuscripts were seldom "miscellaneous" for the audiences or individuals that produced, read, and used them. To label them as such today [...] hinders our efforts to understand the manuscripts and their cultural context.'¹⁵ As for the first issue, there exists no such thing as 'pure' fantasy. For instance, *Yngvars saga víðförla* tells the story of how Yngvarr ventures eastwards from the Baltic encountering all kinds of monsters. Yet we know from rune stones that the saga built on historical antecedents about a Viking called Yngvarr víðförla travelling to the east, and moreover contacts to the east were important and complicated when the saga was written down in the mid-fifteenth century.¹⁶

Adventurous sagas circled around contemporary issues, which sometimes even had historical roots, but transformed them to fit into the (flexible) adventurous scheme. Therefore, I think it is fruitful to investigate the plots in AM 343a 4to for what they can tell us about the contemporary reality in which this manuscript was produced, and to study their thematization of royal absentee authority. I shall start by examining the different conceptions of monarchy in the manuscript and comparing them to the contemporary fifteenth-century political context. Then I will consider the theme of royal abuse of power, and discuss it in relation to the scope of local autonomy. Finally, the sagas in AM 343a 4to give us a glimpse into the workings of local communities that hardly any other late medieval sources

¹³ Torfi Tulinius, *The Matter of the North: The Rise of Literary Fiction in Thirteenth-Century Iceland* (Odense, 2002), p. 186; Stephen Mitchell, *Witchcraft and Magic in the Nordic Middle Ages* (Philadelphia, 2011), p. 20.

¹⁴ Heterogeneity is normal in medieval composite manuscripts. As Jonas Carlquist has maintained, secular compilatory manuscripts were often intended as a kind of private library, which can account for the diversity of sagas included in them: Jonas Carlquist, *Handskriften som historiskt vitne* (Stockholm, 2002), pp. 10–12, 103.

¹⁵ Barbara Shailor, 'A Cataloguer's View', in Stephen G. Nichols and Siegfried Wenzel, eds, *The Whole Book: Cultural Perspectives on the Medieval Miscellany* (Ann Arbor, MI, 1996), pp. 153–67.

¹⁶ On the historical roots: Nils Blomkvist, *The Discovery of the Baltic: The Reception of a Catholic World-System in the European North (AD 1075–1225)* (Leiden, 2005); Elena Melnikova, 'The Baltic on the Mental Map of the Old Russian Annalist', in Michael F. Scholtz *et al.*, eds, *The Image of the Baltic: A Festschrift for Nils Blomkvist* (Gotland, 2012), pp. 11–22. On the contemporary relevance: Hans Jacob Orning, 'Imagining the Kalmar Union: Nordic Politics as Viewed from a 15th-Century Icelandic Manuscript', in Agneta Ney, Henrik Williams and Fredrik Charpentier Ljungqvist, eds, *Preprint Papers of The 14th International Saga Conference* (2 vols, Gävle, 2009), ii, pp. 729–37.

offer, which allows us to investigate the role of local chieftains, and the theme of absentee royal authority, in greater depth.

The Monarchical Framework

Monarchy constitutes the natural political framework in AM 343a 4to. In most of the sagas society is headed by a king, enjoying a firm hold over magnates and retinue, governing his people with fairness. Repercussions of a Christian monarchical ideology emphasizing the king's responsibility for securing peace within his realm can be found in the promulgation of the so-called 'Viking laws' in *Örvar-Odds saga*, stating that farmers, merchants and women shall never be robbed.¹⁷ Another king (King Íngjaldr in *Áns saga bogsveigis*) states that he will amend all injuries that he might have inflicted, and that he will give good laws to everyone before launching a larger campaign.¹⁸

The strong obligation of magnates to remain loyal to the king is underlined in many sagas. In *Sáluss saga ok Níkanórs*, Duke Níkanór's knight Villifer is presented as the ideal follower. He is introduced as next to Níkanór in strength, wisdom and courtesy, and as the duke's most beloved follower.¹⁹ On several occasions he demonstrates his loyalty to Níkanór, even when it means risking his life for his master.²⁰ Later he falls in battle, whereupon he is avenged and honoured when Níkanór names his first son after him.²¹ The message of Villifer's example is that magnates should be absolutely loyal to their masters. Some sagas claim that magnates should assist their kings wholeheartedly even if the king in question has behaved unwisely, although this claim for unconditional loyalty is rather atypical in the manuscript as a whole.²²

However, even if society in AM 343a 4to is monarchical and hierarchical, the ideal hierarchy is not necessarily the same as the existing one. A contrast to the loyal Villifer in *Sáluss saga ok Níkanórs* is provided by Prince Saulus, who

¹⁷ *Örvar-Odds saga* [hereafter *Örv*], in C. C. Rafn, ed., *Fornaldar sögur norðrlanda*, Annat bindi (Copenhagen, 1829), pp. 159–322, at ch. 129. The relevant excerpt from the law reads: 'I shall never plunder merchants or peasants, unless I am in trouble and need to plunder [i.e. for material necessity]. Neither will I rob women, even if we meet them on the road with much goods. And if a woman can prove that she has been taken by force, then he who took her shall lose his life, notwithstanding if he is rich or poor.'

¹⁸ *Áns saga bogsveigis* [hereafter *Án*], in Rafn, ed., *Fornaldar sögur norðrlanda*, pp. 323–62, at ch. 236.

¹⁹ *Sáluss saga ok Níkanórs*, in Agnete Loth, ed., *Late Medieval Romances II* (Copenhagen, 1963), pp. 1–91 at ch. 3.

²⁰ Villifer is the one who brings Prince Saulus out of mental balance in his duel with Níkanór, when he utters to him that it is unwise of him to brawl: *ibid.*, ch. 7.

²¹ *Ibid.*, chs 30, 34.

²² Furthest in this direction goes *Flóress saga konungs*, where the kings Flóres and Kastus are arrogant in refusing wooers too harshly. Flóres also abducts and rapes Princess Elína from Kartago. Yet this has no implications for allegiance among their men. There is no question that Flóres's count should not back him up, even though Flóres's actions are reprehensible.

surpasses Duke Nikanór in rank but acts with immoderation and rashness. Nikanór therefore declares his unwillingness to submit to him. His refusal to obey is not condemned. To the contrary, one could argue that the whole saga is an example warning against arrogance, in that Saulus in the course of the saga learns from his mistakes and becomes more humble.²³ Not even princes are exempt from the moral prerequisite governing hierarchy in AM 343a 4to.

This double movement of picturing an ideal hierarchy and at the same time insisting that the real hierarchy falls short of the ideal, is a strategy reminiscent of the one laid down in *The King's Mirror*, written in the mid-thirteenth century in Norway, probably by an author closely connected to royal circles.²⁴ The parallel is the more interesting as a version of *The King's Mirror* was produced at Möðruvellir fram in this period (AM 243a fol), and hence must have circulated among the people who also listened to the stories in AM 343a 4to. Here, the combination of courtly and clerical ideal served to affirm the king's position above the rest of the population. Another chief aim of the courtly ideology was to elevate the royal officials at the expense of local aristocrats, by turning proximity to the king into an index of social distinction. Men living far off from the king were no longer (supposed to be) threats to royal authority, but were pejoratively labelled 'home-breeds' and 'cottagers'. Yet virtue did not come automatically from enjoying the company of the king. The author repeatedly laments the lack of courtliness even among men close to the king, pinpointing their corresponding lack of manners and status. The persistent popularity of *The King's Mirror* in late medieval Iceland indicates that these ideas appealed to leading strata of society. At Möðruvellir fram, similar ideas can be found in sagas like *Sáluss saga ok Nikanórs*, where society is hierarchical, and departures from this hierarchy must be prevented either by teaching haughty men a proper lesson or else by demoting them.

The hidden opponent in *The King's Mirror* is the questioning Son, who is fittingly guided by the wise Father. Naturally, the Father's advice would make little sense did it not address controversial matters. By allocating widespread, but now prohibited, ideas to the Son, such misperceptions could be corrected. By the same token, if we strip *The King's Mirror* of its ideological load, the Son's questions can guide us to conceptions held by a large part of the population. The social tensions revealed in the dialogue can also be found in AM 343a 4to. The 'forbidden' stance of the Son about a reciprocal relationship between kings and magnates is nowhere more distinct than in *Yngvars saga víðförla*, where we follow four generations of the mightiest magnate family in Sweden in their dealings with the king. The conflict is triggered when the magnate Áki proposes to King Eiríkr's daughter. The king refuses on account of Áki's non-royal lineage, and

²³ It is possible to discern a 'ducal' perspective in *Sáluss saga ok Nikanórs*. It is not only apparent in that a duke (Nikanór) proves to be wiser than a king's son (Saulus). The opponents of Saulus and Nikanór are also dukes, and though they are depicted more negatively, they do reflect on their behaviour after having summoned troops: *Sáluss saga*, ed. Loth, ch. 26. The message is that title does not necessarily coincide with wisdom and power.

²⁴ Sverre Bagge, *The Political Thought of The King's Mirror* (Odense, 1987).

instead marries his daughter to the king of Garðaríki. Áki is unwilling to accept the answer and abducts the princess after having killed her Russian husband. King Eiríkr is not happy with the situation, but he is powerless as Áki has the support of eight magnates. He therefore accepts reconciliation and invites Áki and his accomplices to his own wedding with the daughter of Earl Hákon of Norway. Áki is suspicious, but as the wedding proceeds, he drops his guard. King Eiríkr now sees his opportunity and kills Áki and his allies. He confiscates all the property of his opponents, takes Áki's wife and son Eymundr into his custody, and they grow up at court.²⁵

Eymundr is raised at the royal court, but he is unable to forget the fate of his father, and when the king sends a company to collect taxes from his former patrimony, he seizes the opportunity and kills them all. For this he is made an outlaw. Nevertheless, like his father he manages to establish a female link to the royal house, and he returns to his paternal lands because he has a following so large that the king does not dare to go against him.²⁶ Such is the state of affairs until Eymundr's son Yngvarr manages to reconcile his father with the king, and they settle with friendship. Yngvarr goes on to serve the king for a long time and is granted a position above other magnates in Sweden, but at the age of twenty he 'ógladdist' (became depressed), the reason being that he wished to have the title of king. King Óláfr refuses to grant him this, and Yngvarr then departs, marking the beginning of the second, and most famous, part of the saga, devoted to his journeys eastwards. Yngvarr's son Sveinn brings the narrative full circle by returning to Sweden, where many urge him to take the royal title – in vain.²⁷

Yngvars saga víðförla does not describe any typical conflict, as the magnate family is of very high standing, and the conflict is not depicted neutrally, for the sympathy and narrative perspective lie firmly with the magnates. However, it carries a clear message that a king has to be willing to share his power with his nobles. Áki and his successors prove that they can do very well without the king, and that the king will run into difficulties if he tries to subdue them. The logical consequence of that situation is that the king should share his honour with magnates, through both blood ties and titles. In this way, the story can be viewed as complementary to the narrative in *Sáluss saga ok Níkanórs*. Both can be read as warnings against being arrogant, but whereas *Sáluss saga ok Níkanórs* takes the leader's view, urging obedience to one's superiors, *Yngvars saga víðförla* regards the relationship from the magnates' perspective.

Magnates' ability to manoeuvre themselves towards the king is most directly expressed when the adventurous sagas leave the heroic centre for the periphery, because here conditions could be depicted more straightforwardly with less

²⁵ *Yngvars saga víðförla*, in Guðni Jónsson, ed., *Fornaldar sögur Norðurlanda II* (Reykjavík, 1954), pp. 423–59, at ch. 2.

²⁶ *Ibid.*, chs 2, 3.

²⁷ In the epilogue, the saga author (who allegedly had one of Sveinn's followers as his prime source) adds that there had been a widespread wish that Sveinn should become king, and a rumour has it that his father was a king's son.

ideological bias. Particularly interesting from our point of view is how the king rules a large territory remotely through intermediaries. A person popping up in several sagas is the mythological figure Goðmundr of Glæsisvellir.²⁸ Goðmundr's formal relationship to the king, who goes under the name of Geirröðr (*Þorsteins þáttir bæjarmagns*), Skrímir (*Samsons saga fagra*) or Hárekr (*Bósa saga ok Herrauðs*), is relatively clear in all sagas. He is king of Glæsisvellir, and subordinate to the over-king of the area. The bond is most precisely described in *Þorsteins þáttir bæjarmagns*, where Goðmundr's deceased father has been king of Risaland, and if Goðmundr wants to succeed his father, he has to come to King Geirröðr and swear allegiance to him.²⁹

The bond to the king is a strong one, and it is difficult to violate or ignore. *Þorsteins þáttir bæjarmagns* gives a detailed account of the discussion when Goðmundr arrives at the royal court early in the saga. It starts with Geirröðr's demand:

'What I'd like to know', he [the king] said, 'is whether you're willing to show me the same obedience as your father did. If so, I'm willing to add to your titles and let you keep Giantland as long as you swear me an oath of loyalty.'³⁰

Goðmundr refuses to comply with Geirröðr's requirements on account of his own minority, and rather prefers to make 'a solemn vow' ('heit') that 'he would neither serve nor obey any other king as long as Geirröðr lived'.³¹ Geirröðr is pleased with Goðmundr's vow, and even says that he prefers it to the formal procedure, maybe because the vow is made voluntarily.³² The reason why the vow

²⁸ On Goðmundr's mythological character, cf. Anne Holtsmark: 'Glæsisvellir', in J. Danstrup, ed., *Kulturbistorisk leksikon for nordisk middelalder fra vikingetid til reformationstid* (22 vols, Copenhagen, 1956–78), v, p. 362; Eyvind Fjeld Halvorsen: 'Geirröð', *ibid.*, v, p. 230. Here the focus is on how he is described in AM 343a 4to (not as *one* person: the Goðmundrs of the different sagas are not the same person).

²⁹ Still the precise nature of Goðmundr's relationship to the king is unclear from the sagas. In *Þorsteins þáttir bæjarmagns* he is initially introduced as ruler of Glæsisvellir, which is dependent on Risaland ('þar þjónar til þat land, er Risaland heitir'): *Þorsteins þáttir bæjarmagns* [hereafter *ÞorstBm*], in Jónsson, ed., *Fornaldar sögur Norðurlanda IV*, pp. 319–44, at ch. 5. Then it appears that his father has had the title of king of Risaland: *ÞorstBm*, chs 5, 6. Later, Goðmundr asserts that he is entitled to Jötunheimr if Geirröðr dies, i.e. that he is the closest successor to Jötunheimr: *ÞorstBm*, ch. 8. *Samsons saga fagra* indicates that Goðmundr is subordinate to King Skrímir, as the whole northern realm is subject to his governance: *Samsons saga fagra*, ed. John Wilson (Copenhagen, 1953) [hereafter *Sams*], pp. 1–47, at ch. 18. In *Bósa saga ok Herrauðs* Goðmundr is not explicitly mentioned as subordinate to Hárekr, but considering that Hárekr's two sons are fostered by Goðmundr and act together with him as guardians of the realm, this seems reasonable: *Bósa saga ok Herrauðs*, in Jónsson, ed., *Fornaldar sögur Norðurlanda III*, pp. 281–322, at ch. 10.

³⁰ *ÞorstBm*, ch. 6. Cf. the earl's oath in *Hirðskráen* [The Law of the Retinue], ed. S. Imsen (Oslo, 2000), ch. 4(7).

³¹ *ÞorstBm*, ch. 6.

³² By choosing his own formulation, Goðmundr cannot then argue that he was compelled to make the oath. There was a norm that oaths sworn under duress were invalid.

is rendered in full is that it later serves to bolster Goðmundr's case against the king. Since Goðmundr has not sworn to support the king's friends and oppose his enemies, he can legitimately plan for the king's death as long as he himself does not participate in the homicide, which is exactly what happens when Geirröðr is killed by Goðmundr's friend, Þorsteinn. In light of Goðmundr's oath, he has not broken his promise to King Geirröðr directly. Yet the detailed description of this case indicates that Goðmundr's strategy is indeed dubious and needs additional qualification. As such, it attests to the importance of the bond to the king, and to the difficulty one faced in turning against the king if bound to him by an oath or vow.³³

However, even if Goðmundr is strongly bound to the king, he always ends up deserting him, though he takes great care not to break his promises, and stays in the background during the monarch's downfall. The decisive factor in estranging Goðmundr from the king is that he is presented with new allies who can help him strengthen his position *vis-à-vis* the ruler. The emergence of new potential allies puts him in an uneasy position, as he is bound to the king, whereas his interests lie with the opposing party. The arrival of a newcomer/outsider at court disturbs the former balance, causing the leading magnates to react, as they feel that their positions are threatened.³⁴ When the case is brought to a head, the king sides against the newcomers, thereby justifying them in eliminating not only the discontented party, but also the king himself.

The sagas can thus be read as discussions on the relationship between societal norms and individual interests in situations of conflict. The importance of the royal bond is demonstrated in the care that the sagas take to specify how Goðmundr manoeuvres so as to avoid breaking his allegiance to the king. He never explicitly deserts his lord, nor does he try to mediate between the parties. His principal strategy is to await a pretext to take action, either by having others lead the conflict (*Þorsteins þáttir bæjarmagns* and *Bósa saga ok Herrauðs*), or by waiting until the king himself breaks the bond by attacking him (*Samsons saga fagra*). Thus, he can act passively, but not directly in opposition to the king. Nevertheless, the flexibility with which Goðmundr acts, and the mere fact that he ends up supporting the opposing party, attests to the limitations of the bond to the king. His success in gaining respect from his newly won allies shows that such a course of action does not diminish his honour or hamper his future career.

The tensions between kings and magnates in these sagas in AM 343a 4to resonate with the contemporary tug-of-war between kings and nobles in the late Middle Ages. Scandinavian kings – like their European counterparts – were struggling for as much freedom of action as possible against the Council of the Realm, where nobles were equally eager to limit royal power. Perhaps we could

³³ The other sagas are equally careful to delimit Goðmundr's role in the king's downfall: *Bósa saga ok Herrauðs*, ed. Jónsson, ch. 14.

³⁴ In *Þorsteins þáttir bæjarmagns*, Goðmundr receives assistance from Þorsteinn against Earl Agði; in *Samsons saga fagra* he is helped by his son Sigurðr against King Skrímir's son.

read the story in *Sáluss saga ok Nikanórs* as an echo of the *regimen regale*, aiming for absolutism and informal governance based on loyalty and favouritism, whereas *Yngvars saga víðförla* reads like a formulation of the constitutional programme of the nobility in *regimen politicum*, albeit the limitations on royal power are not specified as institutional ones.³⁵ The result – and the essential message – was much the same: a king should listen to his councillors and provide them with suitable and lavish rewards for their allegiance. The case of Goðmundr of Glæsisvellir showed that magnates would follow their own interests anyhow.

Theory and Practice

The sagas in AM 343a 4to normally focus on kings and their immediate surroundings, and the king's relationship to the people is often depicted with strong ideological overtones. Few hints are given about how kings and people interact apart from on large occasions like royal elections, weddings or important meetings. However, the behaviour of the protagonists can tell another story. Tellingly, just a short while after Oddr and Hjálmar in *Örvar-Odds saga* have made their solemn vow to adhere to the 'Viking laws', which are intended to safeguard people against Viking attacks, they plunder in the British Isles without any notice being taken of the Viking laws.³⁶ Thus, lofty ideals do not necessarily belong to the same realm as practice. The same contrast applies to King Íngjaldr in *Áns saga bogsveigis*, who immediately after he has declared his intention to give good laws and amend injuries, blatantly breaks his noble vows by killing his half-brothers and plundering the newly conquered region.³⁷

The most critical example of abusing innocents in AM 343a 4to comes from its last saga, *Perus saga meistara*, which also differs from the previous texts in genre by being a more overtly moral fable. Here Perus meets the mighty magnate Prinz and his entourage in a forest, Perus wearing a beautiful robe. Prinz asks him to exchange outfits with him, because such clothes should be worn by a non-noble. When Perus protests, Prinz takes the clothes by force, and even charges him with treachery.³⁸ Though more moralistic than other stories in the manuscript, this tale would have no force as an example had it not been recognizable.

³⁵ Erik Lönnroth, *Sverige och Kalmarunionen: 1397–1457* (Gothenburg, 1934), cf. J. V. Sigurðsson and A. I. Riisøy, *Norsk historie, 800–1536* (Oslo, 2011), pp. 211–15.

³⁶ *Örv*, ch. 131. One reason for this silence may be that the British Isles are considered 'external' territory which can be legitimately plundered.

³⁷ Further criticism of King Íngjaldr is provided by the emphasis on Án's willingness to act in accordance with the *rex iustus* ideal that King Íngjaldr has broken, even in cases where the king illegitimately plans for killing him. King Íngjaldr first sends the magnate Ívarr from Upplönd to kill Án. When Án discovers the plot, he summons an assembly where the case is prosecuted: *Án*, line 246. The result is that Ívarr is mutilated and sent back to the king as a 'treasure'. This macabre joke of sending the king 'treasures' contains a legal element, as Án explains that Ívarr (and previously the henchman Ketill) are meant as 'fines' compensating for his own killing of Íngjaldr's two half-brothers: *Án*, chs 241, 246.

³⁸ *Af meistara Pero ok hans leikum, Islendzk ævintýri*, erster band, ed. Hugo Gering (Halle, 1882), pp. 217–31. Perus warns him that he thereby shows greed and envy ('ágirni').

Abuse of royal powers was a pressing issue in late medieval Scandinavia: such complaints start to appear with the very first surviving sources that can tell us anything about the implementation of royal politics at a local level.³⁹ However, the extent of abuse in AM 343a 4to – and probably also in contemporary society – should not be exaggerated, not primarily because such occurrences are rarely mentioned, but rather because the very concept of abuse of power presupposes a normal state of non-abuse, in other words that the central power usually conducted itself properly and performed important tasks in the local communities. In contrast to the intense contact *between* realms, the sagas in AM 343a 4to provide little evidence for a strong link between centre and periphery *within* political realms. The limited power of the king in governing larger territories is vividly exposed in *Áns saga bogsveigis*, which recounts how, after the king's campaign to Firðafylki, the main protagonist, Án, breaks with him and settles in the newly conquered region. Here Án is able to build up his position without interference from the king. For a long time the king is unaware of Án's new base, and when he finds out he tries to conquer him. These conflicts are not described very convincingly, since they exaggerate Án's skills, but the king's difficulties in expelling hostile elements and circumscribing the power of mighty local chieftains seem credible indeed.⁴⁰

King Íngjaldr's limited control in his realm largely results from his lack of means to govern it. In theory, the case is simple: his realm, Naumdalr, is referred to as a fixed unity ('fylki'), governed by a king who is responsible for maintaining order through law and by summoning assemblies.⁴¹ When he conquers Firðafylki, the saga states that he 'appointed men to govern the region'.⁴² However, in practice his administrative apparatus is far more rudimentary, and there are no signs that the royal retainers perform duties or hold offices other than accompanying the king. Nor do they contribute economically to the royal expenditure. To the contrary, they receive gifts and hospitality. King Íngjaldr's retinue is probably bigger than any chieftain's, and includes some of the best men of the realm, including Án and

³⁹ In Norway this occurred in the late thirteenth century (in Iceland complaints are more unusual). Normally these instances have been interpreted as signs of decay in central authority, and a parallel shift to the 'bastard feudalism' of contemporary England. However, as has been pointed out by, among others, Paul R. Hyams in *Rancor and Reconciliation in Medieval England* (Ithaca and London, 2003), bastard feudalism is less a new reality than a system newly detectable in the sources, and such instances continue throughout the late Middle Ages. On this topic in Norway, cf. Hans Jacob Orning, 'Det rettsantropologiske perspektivet og staten: Konfliktløsning og byråkratisering i høymiddelalderen', in H. J. Orning, K. Esmark and L. Hermanson, eds, *Gaver, ritualer, konflikter: Et rettsantropologisk perspektiv på nordisk middelalderhistorie* (Oslo, 2010), pp. 251–90.

⁴⁰ This impression of a huge distance separating local communities from the king is confirmed in many other episodes in AM 343a 4to, taking place in distant areas.

⁴¹ *Án*, ch. 236. Such regional units did later become administrative units in the national kingdom of Norway – at least, this is how this was conceived of in thirteenth-century sources. On *fylkir*, cf. Per Sveaas Andersen, *Samlingen av Norge og kristningen av landet* (Oslo, 1977), pp. 58–60.

⁴² *Án*, ch. 239.

his brother in the beginning of the saga, but it does not differ radically from the one that Án gathers in Firdafylki.⁴³ Accordingly, the king has to gather resources from sources other than his own followers or the people living in his realm. That means that if income from his own demesne is insufficient, he is forced to amass resources through plunder expeditions in far-away areas.

This type of kingship can be aligned with Viking kings living on plunder, leading to the conclusion that the saga describes a bygone age with no affinity to the late medieval world.⁴⁴ However, the image of kingship in *Áns saga bogsveigis* need not be that far removed from contemporary realities, because in the late Middle Ages kings were still primarily living off the surplus of their royal lands. True, royal legislation and taxation had been implemented long since. Nevertheless, these sources of income were collected by local representatives, and it is not clear how much of what they gathered flowed on into the royal coffers. Admittedly, legal amendments about corrupt officials look like a stereotype making bailiffs the scapegoat, and rendering the king and the farmers innocent,⁴⁵ but the fact that such practice continued for centuries (to become a stock theme in folk tales) indicates that the king could not, or would not, do anything about it. The medieval administrative system did not allow for keeping bailiffs in check.⁴⁶ However, another aspect of this relationship is that the king had to accept so-called abuse, because he relied on nobles as intermediaries in his governance. Hence, his possibilities for exercising independent authority were limited. Finally, bailiffs themselves were (tentatively) squeezed not only from above, but also from below. Farmers constituted no homogeneous group longing for peace. What they wanted most was to settle conflicts by themselves, avoiding the involvement of royal officials, for two reasons: first, because officials meant larger expenses (paying part of the fines to the king), and second because taking a case to court diminished the prospect of striking a settlement that allowed both parties to retain their honour.⁴⁷

A problem with almost all medieval sources is that they are so ideologically infused. This stands true for law amendments in their biased presentation of corrupt officials, as well as for saga descriptions of kings, like King Íngjaldr in *Áns saga bogsveigis*, who clearly resembles a tyrant, thereby making it less valuable as a reflection of normal practice. However, one saga in AM 343a 4to is peculiar in that it provides substantial information on the relationship between rulers and

⁴³ Án governs four farms with thirty men on each farm, and like Íngjaldr he has powerful men from other localities living intermittently at his farms, such as his relatives Grímr and Þórir.

⁴⁴ The Swedish historian Thomas Lindkvist traces a transition around the millennium in Scandinavia from 'external exploitation' to 'internal exploitation', from plunder to taxation and more generally living off the surplus of agricultural production: Thomas Lindkvist, *Plundring, skattar och den feodala statens framväxt* (Uppsala, 1988), pp. 26–32.

⁴⁵ Orning, 'Det rettsantropologiske perspektivet og staten'.

⁴⁶ Ole G. Moseng *et al.*, *Norsk historie, 750–1537* (Oslo, 2007), pp. 199–200.

⁴⁷ Steinar Imsen, *Norsk bondekommunalisme fra Magnus Lagabøte til Kristian Kvart*, vol. 1: *Middelalderen* (Trondheim, 1991); Orning, 'Det rettsantropologiske perspektivet og staten'.

people, where the aim is not to elevate or relegate the ruler or the ruled. The text in question is the first part of *Samsons saga fagra*, which thus unintentionally sheds light on the role of leaders in local communities.

In this work Brittany is ruled by Earl Finnlaugr, and the initial characterization of his reign is promising enough: 'Under the Earl's power were many men that assisted him with loyal service.'⁴⁸ However, the subsequent development shows that this is largely a euphemism. What happens next is that the Princess Valentina, who is engaged to Samson, gets lost in the forest. Samson comes to search for her, and Finnlaugr advises him to ask advice of Galinn, a miller living in the forest, who is introduced as Finnlaugr's subject and is, according to the earl, 'wise in many things'.⁴⁹ Galinn is indeed an informed and involved actor, as his son Kvintalin is responsible for Valentina's disappearance. Kvintalin has previously sought shelter in the forest because he is a thief. From here he abducts women through his enchanting harp-playing. Samson goes to present his case to Galinn and promises him money and friendship in return for his help. Galinn accepts the offer, and says that 'I appreciate your riches but even more your friendship'.⁵⁰ However, at the very moment that they shake hands on their deal, Samson is thrown into a waterfall by a troll woman, who turns out to be Galinn's wife. An intense struggle ensues, ending in victory for Samson. Afterwards he finds Valentina's clothes in a cave underground, and concludes that Valentina must be dead.⁵¹

Samson now proposes to Finnlaugr's daughter Ingina, and is positively received.⁵² Four days before the wedding he goes hunting in the same forest that he has previously visited, whereupon his horse is severely hurt and he himself is trapped in a clearing. Here he first observes a dwarf riding a carriage, with whom he can make no contact. Next, a servant of Valentina appears and tells him that Valentina is in the carriage in the custody of the dwarf. Then Galinn approaches and offers Samson his help if he will give him his sword. Samson hesitates: 'much trust do I then place in you', he says.⁵³ However, as he has no other alternative and the danger that the dwarf will abduct Valentina is overwhelming, he hands over the sword to Galinn. When Samson asks to have his sword back, Galinn refuses, and a fight ensues, in which Samson manages to kill Galinn, whereas Kvintalin makes a narrow escape.⁵⁴

There is no doubt that Galinn and Kvintalin are depicted as villains in these encounters.⁵⁵ However, the most noteworthy feature of these episodes is the curiously passive role played by Earl Finnlaugr in conflicts that unfold in his territory.

⁴⁸ *Sams*, ch. 3.

⁴⁹ *Ibid.*, ch. 7.

⁵⁰ *Ibid.*, ch. 7.

⁵¹ *Ibid.*, ch. 8.

⁵² *Ibid.*, ch. 9.

⁵³ *Ibid.*, ch. 12.

⁵⁴ *Ibid.*, ch. 12.

⁵⁵ *Ibid.*, chs 11–12.

First, it is never suggested that he has tried to apprehend Kvintalin. Kvintalin is not unique in being a thief living protected by the forest, but considering the harm he inflicts by abducting women, it seems astonishing that no-one has tried to put an end to his activities. As earl of the area, this responsibility would fall primarily on Finnlaugr. Second, Finnlaugr's advice to Samson deserves mention. The earl goes far in describing Galinn as a devoted subject, but the ensuing events clearly demonstrate the hollowness of those claims. The fact that Galinn has a son who is a thief would have made most people wary. This is particularly strange since Galinn is not the only person Finnlaugr could have recommended to Samson. A much more reliable person living in the vicinity is Olimpia, who has substantial knowledge about what is going on in the area, and is ultimately the one who saves Valentina from Kvintalin. Third, Finnlaugr seems to have little say when Kvintalin is eventually caught; here it is Olimpia who gets the last word.

A possible reason for Finnlaugr not to recommend Olimpia is that they can be interpreted as rivals. Olimpia is a high-ranking woman who has been married to the knight Salmon and has fostered the king's son, Samson. As a widow she has moved back to her paternal lands in Brittany, where she takes good care of Samson's fiancée, Valentina, after she gets lost in the woods. Olimpia is technically a subject of Earl Finnlaugr, but her relationship to him is remarkably distant, considering that she lives nearby, and hints at a candid power play, from which Olimpia emerges victorious.

The description of the incidents in the forest of Brittany is filled with supernatural intrusion and lurking dangers, which definitely gives the narrative an atmosphere of adventure. However, the depiction of the passive and ill-informed earl with little power and even less ambition may not be too far removed from the realities of distant power. In spite of his – by our measures – weak leadership, he is by no means an anti-hero in the saga, as in the end he is married to a Russian princess and his daughter marries the son of the king of Jötunheimr. This renders it the more credible that the description of Finnlaugr's leadership is not wholly unrepresentative. It is not seen as a bad sign that a governor cannot control his territory. This is the natural state of being.

The inhabitants of the forest in Brittany are not normal subjects. Galinn is ill-willed and Kvintalin is a mixture of man and monster living at the edge of society. However, they attest not only to the inclusion of very dubious persons in society, but also to the substantial possibilities of changing one's fortunes. Even so, they both return to their ambiguous position at the outskirts of society after a brief interlude at the summit of power.⁵⁶ However, the forest also contains less

⁵⁶ We have seen that Galinn is trusted by both Finnlaugr and Samson in spite of his dubious reputation. The real rising star in *Samsons saga fagra* is the thief, Kvintalin. After he has managed to live up to the high expectations of Olimpia in bringing his mission in the north to a happy end, he is given the title of earl and receives Angelsey to govern. Yet his good fortune is short-lived, because the northerners muster an expedition and have him hanged [*Sams*, ch. 26], implying that they do not consider him a man of honour. None of Kvintalin's newly won friends are eager to support him.

evil creatures, such as the dwarf Grelant. There is little heroic about Grelant, but neither is he inherently evil. Most of all, he is a vulnerable person who shows a pragmatic attitude in always choosing the most convenient option. First he is forced by Kvintalin into joining his party. Thereafter he follows him, using a magic carriage to abduct Valentina, and even enters into a fight with Olimpia when she wants to liberate the prisoner. However, when Samson arrives and Grelant is clearly fighting against superior forces, he gives up and co-operates with Samson, whom he helps in seizing hold of Kvintalin. To complete the circle, Kvintalin asks to be accompanied by Grelant on the mission in the north.

Thus, Grelant proves to be an important, but rather unreliable, accomplice. Naturally, he is not held in high esteem by the saga writer, but his course of action is probably not dissimilar to what most people would do in such situations. To change side when coerced was an accepted strategy, even if it was not very heroic. The way Grelant is treated also indicates that his actions are not severely condemned. Neither Kvintalin nor Samson bears any grudge against him when he joins the opposite side. I interpret Grelant as in some ways a reflection of how 'ordinary people' reacted to calamities beyond their control. People did not wish to get involved in conflicts, but if involvement was unavoidable, the preferred strategy was to make the best of the situation, even if that involved departing from lofty ideals about honour and loyalty.

Local Chieftains

The four Hrafnista sagas – *Ketils saga hængs*, *Gríms saga loðinkinna*, *Örvar-Odds saga* and *Áns saga bogsveigis* – are exceptional in AM 343a 4to in two ways: they have chieftains and not kings as the main protagonists, and they form a cluster of internally connected sagas following one lineage of chieftains through five generations. As such it is tempting to read them as a 'story within the story' of how local communities function. I will work from the assumption that even if the description is stylized and consciously tries to evoke a bygone past, the functioning of this community and the role of the chieftain within it do resemble how contemporary communities worked.

The local community of the Hrafnista sagas is led by a chieftain.⁵⁷ *Áns saga bogsveigis* gives a fairly detailed account of how Án bogsveigir after his break

⁵⁷ In *Ketils saga hængs*, Ketill's father, Hallbjörn, is introduced as a rich man living on the island of Hrafnista, who has 'much to say among the peasants there north': *Ketils saga hængs*, in Rafn, ed., *Fornaldar sögur norðrlanda* [hereafter *Ket*], pp. 107–39, at ch. 67. When Ketill succeeds his father, the saga characterizes him as 'the most powerful man there north, and people had great confidence in him': *ibid.*, ch. 78. Grímr takes over his father's position and is said to have 'governed almost alone over Hålogaland': *Gríms saga loðinkinna*, in Rafn, ed., *Fornaldar sögur norðrlanda*, pp. 41–157, at 93. *Örvar-Odds saga* does not focus on Hrafnista, but reiterates that Grímr had 'great power in all Hålogaland and even wider' in the introduction: *Örv*, ch. 105. In *Áns saga bogsveigis*, Án's father Björn is introduced as 'among the best peasants living there up north' [*Án*, ch. 229], and towards the end of the saga Án

with the unfair King Íngjaldr establishes himself as a local chieftain in Firðafylki. First, he gets acquainted with Jórunn, daughter of a wealthy local farmer. Then he engages heavily in farm work ('Án was the one who led the work at the farm and household'),⁵⁸ and after the first winter Jórunn agrees to marry him after having obtained her kinsmen's consent. Now Án expands the household significantly by building a ship, and the saga gives the following characterization of his position:

He owned four big farms, and on each of them he had thirty working people. The farmers who lived there considered him to be their chieftain, and he was friendly and broadminded.⁵⁹

His success breeds more success, since his strong position makes him an attractive patron to relatives as well as to strangers seeking protection.⁶⁰ The saga also shows Án acting as a local mediator.⁶¹

A crucial function of a local chieftain is to provide effective shelter against external threats. *Ketils saga hængs* describes chieftain authority at its most vulnerable. Ketill has to fight outlaws in the vicinity, and he is scorned by neighbours because of his lack of luck in fishing. The mockery does not stop until Ketill kills the main culprit – by hitting him with a fish!⁶² Later he has to fight two men who try to rob him of his haul, who turn out to be 'brave men who were outlawed from the community because of the trouble they stirred'.⁶³ Threats from outside also abound in *Áns saga bogsveigis*, where the local community led by Án at Jórunn's farm is threatened incessantly by King Íngjaldr's efforts to have him assassinated. One aim of the repeated royal attacks on Án's settlement is, besides optionally killing Án, to reduce his resources, and thereby make his supporters switch side. The descriptions of Án's extreme caution and cleverness in averting the dangers are obviously biased, but they nevertheless attest to a chieftain's responsibility for protecting the local community from external enemies.

In order to avert attacks from neighbouring chieftains, it is vital to enter into alliances with other chieftains. In *Ketils saga hængs*, the farm Hrafnista emerges as a single centre situated in a threatening universe of hostile and unpredictable forces. Ketill manages to establish two alliances in the northern periphery, in Finnmörk with Bruni, brother of the Finn King Gusi, and in Gestrekaland with

returns to Hrafnista after a long interlude in Firðafylki to take up his ancestor's chieftaincy at Hrafnista: *ibid.*, ch. 254.

⁵⁸ *Ibid.*, ch. 244.

⁵⁹ *Ibid.*, chs 244–5.

⁶⁰ After he is well established, his relatives Grímr and Þórir come to stay with him: *Ibid.*, ch. 5.

⁶¹ *Ibid.*, ch. 6. There is ample evidence of mediation as a source of prestige and wealth for chieftains in the Icelandic sagas: Jesse L. Byock, *Medieval Iceland: Society, Sagas and Power* (Berkeley, 1988).

⁶² *Ket*, ch. 1.

⁶³ *Ibid.*, ch. 1.

Böðmóðr, son of Framarr, King of the Huns.⁶⁴ Both alliances are secured through conjugal unions: in Finnmörk Ketill produces a son with Hrafnhildr, daughter of the Finn king; in Gestrekaland his daughter marries Böðmóðr, who succeeds his father as king. Ketill also allies with a neighbouring farmer through marrying his daughter. The central importance of alliances is clearly demonstrated in the numerous conflicts around marriages in AM 343a 4to. Most sagas in this manuscript are variants of 'bridal quest romances' in that marriage proposals trigger political interaction.⁶⁵ Marrying off a daughter or searching for a spouse is a risky business, because it activates the whole network of power relations within an area, and risks unbalancing it.

The process of searching for, or marrying off, a bride thus can be viewed as a metaphor for how interaction takes place in the political field, because it brings attention to the ambiguous balance of rivalry and alliance between the parties involved. On the one hand, a marriage proposal constitutes an attempt to create an alliance based on a perceived equal relationship and the prospect of joining forces. On the other hand, a proposal has an aggressive flavour, because it transmits a message of equality or even of a perceived superiority on part of the wooer, which might be disputed. A hallmark of an autonomous chieftain is that he is able to control the marriages of his offspring without either resorting to force, or being subjected to force himself. Ketill hængr makes a vow never to force his daughter into a marriage.⁶⁶ The opposite is demonstrated when his father, Hallbjörn, proposes for his son to a man who says that he has 'neither the power nor the will to refuse it'.⁶⁷ However, Ketill's vulnerable position is revealed in that he is challenged several times by suitors to his daughter, and in the conflict that develops between him and his father around whom he shall marry.

A further responsibility of the chieftain is to secure the material welfare of the local community, in particular in times of famine. The sagas recount several instances where Ketill, Grímr and Örvar-Oddr make risky voyages in order to obtain fish.⁶⁸ In describing these expeditions, the saga soon leaves the material aspect in favour of their struggles with supernatural powers. However, on Ketill's first two expeditions it is explicitly stated that he 'loaded his boat' with fish.⁶⁹ Concern over food seems to persist even after his third journey to Finnmörk: 'There was a great famine because there was no fish and the grain harvest failed.'⁷⁰

⁶⁴ Thanks to a trick of Brúni, Ketill kills Gusi in combat and Brúni takes over as king: *ibid.*, ch. 3. Framarr has proposed to Ketill's daughter, and upon being refused he challenges Ketill to a duel, which Ketill wins assisted by Framarr's son Böðmóðr: *ibid.*, ch. 5.

⁶⁵ Marianne E. Kalinke, *Bridal-Quest Romance in Medieval Iceland* (Ithaca, NY, 1990).

⁶⁶ *Ket.*, ch. 4.

⁶⁷ *Ibid.*, ch. 4.

⁶⁸ *Ibid.*, ch. 2.

⁶⁹ *Ibid.*, ch. 2.

⁷⁰ *Ibid.*, ch. 5. Grímr lóðinkinna travels northwards in the same manner as his father has done, and for the same reason of abating famine. *Örvar-Odds saga* also contains a northern voyage, probably for the same reason, since the initiative to go north comes from Odd's brother and cousin living at Hrafnista, on behalf of the local leader, Grímr.

The problem of scarcity is illuminated from another angle in *Áns saga bogsveigis*. After Án has built up a local position at Jórunn's farm, King Íngjaldr sacks his farm. Now Án finds his resources depleted. Jórunn tries to improve the situation, but to no avail, as the saga states that 'there lacked a lot if they should sustain their hospitality'.⁷¹ This triggers Án to take advantage of the wealth of a robber whom he has killed before arriving at Jórunn's farm. Stolen wealth is obviously not untainted, as Án has left the thief's goods untouched in the deep forest for a long time, but in this hour of despair it will do. The effect is obvious: 'Now he was not poor anymore, as people had thought, but their wealth was as big as previously, maybe even bigger.'⁷² The situation illustrates that maintaining local leadership is a costly affair. Local leaders have to be generous in order to attract followers, and they have limited options for using coercion in order to extract resources from their supporters.⁷³ We see no trace of taxes or other fees flowing from local farmers to their chieftains. To the contrary, chieftains have to obtain resources from their own farms or from external expeditions. Normally, they channel much of what they garner back to the local community in the form of hospitality. However, in times of scarcity they are also charged with the task of obtaining extra provisions, and if they fail to live up to these obligations, they risk farmers searching for other chieftains who can better satisfy their needs.

The northern periphery to which the Hrafnista chieftains sail is not only blessed with plenty of fish, it is also characterized by a wealth of magic. Indeed, it seems that magic becomes stronger the further one travels from the centre. This makes it crucial to form alliances with peripheral beings, since this furnishes opportunities to partake of their magic.⁷⁴ Magic is curiously neutral in moral terms. It is basically a property that can be activated, and there are no general rules of how this can be done. This makes it an attractive property, and it certainly appeals to the people living in the centre in the sagas of AM 343a 4to. However, the sagas are normally very vague on why the magical items are so desirable that the protagonists are willing to risk their lives for them. Kvintalin in *Samsons saga fagra* is to collect a cloak, Bósi in *Bósa saga ok Herrauðs* an egg with golden inscriptions, and Arinnefja in *Egils saga einhenda* three precious objects from the underworld, without any explanation being offered. All we know is that the immediate urge to acquire them testifies to the importance attached to magic.⁷⁵

⁷¹ *Án*, ch. 7.

⁷² *Ibid.*, ch. 7.

⁷³ Note the similarity with the description of the magnate Asbjørn Sigurðsson's household in *Heimskringla*, mentioned in Kåre Lunden, *Økonomi og samfunn* (Oslo, 1972), pp. 45–50, and Sverre H. Bagge: 'Borgerkrig og statsutvikling i Norge i middelalderen', *Historisk Tidsskrift*, 65 (1986), pp. 145–55.

⁷⁴ Ketill hængur and his son Grímr are aided by Finn women, who utilize their magical capacities in order to protect them from other Finns. Ketill is taken care of by the Finn Brúni after having been shipwrecked by a troll woman [*Ket*, ch. 3], while Grímr is saved from a combat by an ugly troll woman: *Gríms saga*, ed. Rafn, ch. 2. Such examples of magic being put at a hero's disposal can be multiplied in AM 343a 4to.

⁷⁵ A common characteristic of these persons is that they are guilty of such grave offences

The Hrafnista sagas demonstrate more squarely why magical objects are so sought after. Ketill, Grímr and Oddr have magical weapons (the arrows from King Gusi of the Finns) which bring them victories in battle, and giant concubines who bring them powerful allies and access to infinite resources. A local chieftain needs magic in order to solve the resource problem. I interpret this saga preoccupation with magic as a way of emphasizing the crucial importance of creating alliances with higher powers, with peripheral beings and with neighbouring chieftains – and of course with the king, who is conspicuously absent in most of the Hrafnista sagas. The point is that the local chieftains do not perish once a kingdom is established. The local foundation of power is *la longue durée* of medieval politics.

Conclusion: Absentee Authority

The universe of AM 343a 4to is filled with kings struggling for power, and is thus reminiscent of the European political scene in the late Middle Ages. The sagas in the manuscript reveal the same type of tensions between kings and magnates as are described in other sources, such as diplomas, charters and laws. Should magnates be unconditionally loyal to the king, or should the king consult them and take their concerns into consideration? Interestingly, this tension is not only present in this manuscript, but also in *The King's Mirror*, written at the same place at the same time. This also accords well with the provenance of AM 343a 4to, written at Möðruvellir fram probably under the patronage of the mighty noble woman Margrét Vigfúsdóttir. Margrét herself had experienced such tension with kings: in her childhood her family had travelled to England, most likely because her father, Vigfús, had lost his office due to improper dealings with English merchants.⁷⁶ However, her brother Ívarr seem to have managed to gain a pardon from the king, because he met with King Erik of Pommern and was given high royal offices. After this we hear of no conflicts between this family and the king in Margrét's lifetime.

As mentioned at the start of this chapter, most historians have highlighted the importance of external factors in Icelandic politics in the fifteenth century, a trend epitomized in the label 'The English Century' applied by Björn Þorsteinsson. However, although Icelandic magnates operated in a context in which they had to relate to Union kings and their officials (which they often acted as), to the Catholic Church and its representatives, as well as to unruly English traders, they did not stop challenging one another for power and prestige. Three families dominated Icelandic politics for most of the fifteenth century: the offspring

that they would normally be executed. They are pardoned only on the condition that they acquire precious objects from the periphery.

⁷⁶ See Þorsteinsson and Grímsdóttir, *Saga Íslands V*, pp. 25–6. This is supported by the fact that his widow had to answer to the king for property which her husband had forfeited: *DI*, iv, p. 344.

of Vigfús (Margrét's father), Loftr Guttormsson (her father-in-law), and Björn Einarsson, whose daughter Kristin married Þorleifr Arnason.⁷⁷ A concrete expression of this dominance can be viewed in the numerous intermarriages between these families, as between Margrét and Þorvarðr, and in particular the two latter families, which were blessed with more surviving offspring than was Vigfús.⁷⁸ These families were interconnected in what Sigríður Beck has termed a 'noble community'.⁷⁹ Nevertheless, conjugal bonds did not prevent these families from incessant fighting and manoeuvring for positions and properties. As far as we know, Margrét was not directly involved in the political struggles taking place in northern and western Iceland, but with her background and as the spouse of one of Iceland's mightiest men, she was deemed to have a central position in politics.⁸⁰

AM 343a 4to tells us a lot about struggles among warriors/nobles and thus, by association, about the rivalries among Icelandic magnates in the fifteenth century. I have dealt with these rivalries elsewhere.⁸¹ Here the main point is that this noble community/rivalry involved differing views on kingship, ranging from fairly unilateral obedience to reciprocal negotiations. It is tempting to draw analogies between these different views and contemporary politics, where the king could be involved in Icelandic conflicts for various purposes. For instance, Margrét's brother-in-law, Ormr Loftsson, obtained the office of *hirðstjóri* (leader of Iceland) in 1432, but lost it to his brother-in-law Einar Þorleifsson in 1445. The details behind these shifts are unclear, but the changes were probably the result of political scheming.⁸² Moreover, we know that both Ormr and Björn had visited the king before being granted their offices. Judging from periods and cases we know more about, for instance the Sturlung period (c. 1220–64), the significance of meeting with the king cannot be overestimated.⁸³ Hence, even if the king was normally a distant figure in Icelandic politics, he was still important, since his favours had direct implications for Icelandic magnates. This might explain why so many different conceptions of kingship could co-exist among Icelandic nobles.

⁷⁷ Wærdahl, 'Norges konges rike og hans skattland', p. 240.

⁷⁸ Out of Loftr and Þorleifr's numerous children (eight and seven respectively), four were married to a member of the other family: Arnór Sigurjónsson, *Vestfirðinga saga, 1390–1540* (Reykjavík, 1975), pp. 52–7.

⁷⁹ Beck, *I kungens fränvaro*, p. 117.

⁸⁰ We catch a glimpse of this when her nephew and foster-son, Bjarni, became embroiled in conflicts between leading magnates: *DI*, vii, p. 290; Sigurjónsson, *Vestfirðinga saga*, p. 136.

⁸¹ Hans Jacob Orning, 'Feuds and Conflict Resolution in Fact and Fiction in Late Medieval Iceland', in Steinar Imsen, ed., *Legislation and State Formation: Norway and its Neighbours in the Middle Ages* (Trondheim, 2013), pp. 229–62.

⁸² Helgi Þorláksson, 'Vald og ofurvald', assumes that Einar and his brother Björn did outmanoeuvre Ormr, who left Iceland for Norway one year later. Perhaps this happened after a quarrel about whether or not he should support Björn against English merchants: Sigurjónsson, *Vestfirðinga saga*, pp. 144–50. Ormr's wife Solveig apparently sided with her brothers against her husband, and Ormr never came back: *DI*, v, p. 432.

⁸³ Orning, *Unpredictability and Presence*, pp. 231–56; Wærdahl, 'Norges konges rike og hans skattland'.

Yet maybe the most unique and original contribution of literary manuscripts to the analysis of late medieval Icelandic politics comes from their capacity to throw light on how local communities developed and were sustained in the absence of an intrusive central authority. After the fall of the Free State in 1262/64, no further sagas speak directly to this theme. The dominant view has been that after the Free State, authority came from above, not from below. This allegedly put an end to the reciprocal relationship between chieftains and farmers, since the former no longer needed popular support, but could govern as appointed officials.⁸⁴ Randi Wærdahl has nuanced this view by stating that ‘the local elite continued to govern itself’ after the fall of the Free State, now competing for royal offices in a flexible state building and in co-operation with the institutions of the local communities.⁸⁵

However, the local elite’s relationship to farmers has been a blind spot among those working from traditional historical sources like diplomas and annals. Using manuscripts like AM 343a 4to as windows onto a contemporary *mentalité* can illuminate this issue in a novel fashion. As we have seen, the Hrafnista sagas draw a picture in which local chieftains play a dominant role in communities, and their relationship to the ruler is at best distant, as we saw in *Samsons saga fagra*. There is of course much wishful thinking in the Hrafnista chieftains’ successful appropriation of magical powers, and the whole setting of the sagas in an ancient world of giants and supernatural powers is by the same token far removed from contemporary realities. Nevertheless, the key role of chieftains in local communities, the importance of alliances and exchanges with other communities, and the crucial task of securing sufficient resources in a hostile environment, all connect to concerns which people listening to these sagas must have been urgently aware of. Situating such tensions and anxieties in a distant past could be a way of handling vexing issues in a more ‘secure’ context. In this context kings are largely absent. This does not mean that late medieval Iceland had reverted to a ‘pre-state’ condition. What it implies is that royal authority slipped down through intermediaries. For these intermediary magnates the king was of utmost importance, as is evident from their competing to gain the king’s ear. However, for people living in the local communities, the visual figure of authority, and therefore in a way their ‘real’ leader, was – still – the local chieftain. For them, the king’s physical absence was also largely a mental one.

⁸⁴ Jón Viðar Sigurðsson, ‘De vennlige islendingene og den uvennlige kongen’, in L. Hermanson *et al.*, eds, *Vänner, patroner och klienter i Norden, 900–1800* (Reykjavík, 2007), pp. 81–100, at 97.

⁸⁵ Wærdahl, ‘Norges konges rike og hans skattland’, pp. 142–9, 172–81, 254. Unlike Norway, the highest royal officials participated in local politics [*ibid.*, pp. 176–81], and unlike other tributary lands, in Iceland the indigenous elite was allowed to take over royal offices. The difference between the Sturlung Age and the Saga Age is nevertheless substantial, consisting of the dissolution of vertical bonds, as mentioned previously. See also Randi Bjørshol Wærdahl, ‘For å oppnå kongens gunst’, in Hermanson *et al.*, eds, *Vänner, patroner och klienter i Norden*, pp. 175–94, at 187–91.

Representatives of Kings and 'Kings' as Representatives: Authority and its Representation in Professional Groups in Late Medieval and Early Modern France – the Example of the King of Minstrels and of the King of Mercers

TORSTEN HILTMANN

If he is to govern anywhere, the king cannot be everywhere. In the struggle to gain influence over an ever-increasing number of territories and a diversifying society, communicating royal power in the absence of the king becomes a key concern. This holds true both for political kings and for those whom I would like to call the 'other' kings in the following pages: for in late medieval and early modern France, 'professionals' such as minstrels and mercers had kings of their own.

The first dimension of this inquiry concerns the ways in which these professionals maintained their king's presence during his absence. They used the title of 'king' in the same way as in the political sphere, which raises the question of whether their representative strategies were likewise borrowed from their political counterparts. The second aspect of the present research deals with the connection between these 'other' kings and political kings. Did the 'other' kings belong to an independent organization? Or were there connections between the sphere of the political king and that of professional kings in the areas of government and authority? Some of the evidence suggests that these 'other' kings originated as leaders of autonomous professional associations, but that political kings later turned them into deputies and representatives of their own authority by incorporating them into the court. This meant that political power was extended by integrating whole sections of society, such as minstrels and merchants, under the royal rule. This was done by turning the 'other' kings into representatives of royal political authority.

By focusing on the development of the professional groups of minstrels and mercers, and on their relationship with the king of France during the transition from the late medieval to the early modern world, this paper will first seek to explore how these groups of professionals dealt with the absence of their own kings. Second, it will be asked how the French kings used their 'other' counterparts in order to be present in new areas.

The social developments that transformed late medieval Europe saw an increase in the centralization of power, a monopolization of power by a few chosen rulers. This is especially true of France, where a process of State formation had been at work since the thirteenth century. Whereas the French king was initially the preeminent liege ('suzerain') on grounds of feudal law, he gradually became the preeminent head of State ('souverain'). His rule ceased to be based on personal obligation and allegiance, and became attached to the territory he governed, within the boundaries of which he held legal power. This change was made possible by the development of some central institutions which emerged from the royal court: financial administration, a standing army, and the Parlement as the royal court of law. Early on this became the court of appeal for the territorial noble courts in a growing number of cases which were defined as falling within the prerogative of the king ('cas royaux'). By means of jurisdiction and administration, the Crown was able to spread its influence across the kingdom – even beyond the Crown lands. On the basis of an expanding territorial conception of government and a changing view of royal authority, power came to be the monopoly of the king.

These developments were accompanied by another process which transformed French kingship in a specific way and elevated it to its unique position. The creation of a 'mythe royal', a 'religion de la couronne', gave birth to an ideology of kingship that placed the French king, the 'rex christianissimus', at the head of the chosen French people. As part of his divine calling, the king acquired healing powers, he was said to be a 'roi thaumaturge'.¹ His rule was seen to be blessed with the particular protection of the saints, especially St Denis, St Michael and the Holy Virgin. Just as with the Holy Ampulla, whose oil was used to anoint the king, the *fleurs-de-lis* figured on his coat of arms were said to be sent from God. Immediately legitimized by God, the French king was therefore held to be second to none but God, a position that justified his singular legal standing: 'rex in regno suo est imperator'. The so-called absolutism of later centuries was already heralded in these words.²

Nevertheless, the king of France was not the only 'king' in his country. The title came to be used in entirely different institutions, which were not political in essence. The term 'king' had many uses, in diverse social milieus. These ranged

¹ Marc Bloch, *Les rois thaumaturges: Étude sur le caractère surnaturel attribué à la puissance royale particulièrement en France et en Angleterre*, 2nd edn (Paris, 1983).

² See also Jacques Krynen, "Rex Christianissimus": A Medieval Theme at the Roots of French Absolutism', *History and Anthropology*, 4 (1989), pp. 79–96. On French kingship in the sixteenth century, see Jean Céard, 'Les visages de la royauté en France, à la Renaissance', in Emmanuel le Roi Ladurie, ed., *Les monarchies* (Paris, 1986), pp. 73–89. For a critical approach to the concept of absolutism, treating it as an early modern concept rather than an actual social structure, see the essays in Lothar Schilling, ed., *Absolutismus, ein unersetzliches Forschungskonzept? Eine deutsch-französische Bilanz* (München, 2008).

from peasants, servants and messengers to bourgeois and nobles, who annually, on the Epiphany, chose a 'king' among them: this 'king' was crowned with a paper crown and celebrated with a boozy feast. The leader of the Parisian 'Basoche' (the association of the scribes of the Parlement of Paris) held the title of 'King of the Basoche'; he was also present at some public festivities as the 'roi des sots', the 'King of Fools'.³ The title of 'king' even extended to leaders of prostitutes, minstrels, heralds, barbers and mercenaries ('merciers').⁴

Scholarship has focused on examples of kingship within the context of festive culture and on specific days of celebration, such as the 'rois de la fève', 'rois des sots' or 'rois des écoliers'. This accounts for the fact that these appointments have been interpreted as rituals of reversal, mockery and parody, as a travesty of the title of king, and as acts of revolt against political rule, constituting alternative modes of society.⁵ The famous depiction of the 'King of Beggars' and the 'Kingdom of Argot' in Victor Hugo's novel *Notre-Dame de Paris* (which drew on the *Histoire et recherches des antiquités de la ville de Paris* by Henri Sauval, published in 1724) certainly contributed to this disparaging of 'other' kings as nothing more than curious and ludic phenomena.⁶ This interpretation, which sees the use of titles

³ For the Bazoche and its king see: Marie Bouhaïk-Gironès, *Les Clercs de la Basoche et le théâtre comique* (Paris, 1420–1550) (Paris, 2007).

⁴ For an overview on the different uses of the title of king in the late Middle Ages and the early modern period, see *Les 'autres' rois: Études sur la royauté comme notion hiérarchique dans la société du bas Moyen Âge et du début de l'époque moderne*, ed. Torsten Hiltmann (München, 2010); see also Sandra Billington, *Mock Kings in Medieval Society and Renaissance Drama* (Oxford, 1991).

⁵ Previous research has largely focused on the 'sociétés joyeuses': see especially the studies by Natalie Zemon Davis, Jacques Rossiaud and, most recently, Katja Gvozdeva. Concerning the interest in the parodistic component of the use of the title as well as in the ritual of inversion, see, for example: Hans Rudolf Velten, 'Einsetzungsrituale als Rituale der Statusumkehr. Narrenbischofe und Narrenkönige in den mittelalterlichen Klerikerfesten (1200–1500)', in Marion Steinicke and Stefan Weinfurter, eds, *Investitur- und Krönungsrituale. Herrschaftseinsetzungen im kulturellen Vergleich* (Köln–Weimar–Wien, 2005), pp. 201–21. For Bob Scribner, the election of a mock king or ruler during carnival, the 'sacking' of the town hall, and the establishment of a court of carnival are to be seen as rituals of rebellion that channelled discontent and cathartically released it: 'Reformation, Karneval und die "verkehrte Welt"', in Richard Van Dülmen and Norbert Schindler, eds, *Volkskultur. Zur Wiederentdeckung des vergessenen Alltags (16.–20. Jahrhundert)* (Frankfurt am Main, 1984), pp. 117–52, especially 137ff. On accounts of the alleged carnival kingdoms in the influential studies of Mikhail M. Bakhtin and Dietz-Rüdiger Moser, and the lack of evidence in the sources, see: Torsten Hiltmann, 'Zwischen Spott und Frömmigkeit. Spätmittelalterliche Festkönige und das Paradigma der Verkehrung', in Dominik Fugger, ed., *Verkehrte Welten? Forschungen zum Motiv der rituellen Inversion*, Historische Zeitschrift, n.s. 60 (München, 2013), pp. 171–91.

⁶ The so-called 'roi des Thunes' and his 'Cour des miracles', mentioned by Victor Hugo and Henri Sauval, seem to draw on a carnival-like text by Ollivier Chereau, *Jargon ou langage de l'argot réformé* (1630), rather than reality: see Ollivier Chereau, *Le Jargon ou langage de l'argot réformé*, ed. Denis Delaplace (Paris, 2008), pp. 323–8. This misinterpretation notwithstanding, sources mention kings of the underworld, for example in the case of the gang leader of the 'coquillards', who is known as the 'roi de la coquille' and mentioned with this

outside the political sphere as a mere act of mocking parody or an idealizing reversal of political power, has tended to gloss over the complexities of an interesting medieval phenomenon.

This is important to realize, as there is a group of 'other' kings who have escaped scrutiny or have been subsumed under the study of festive kingship: these are the 'kings of office', as I would venture to call them. Kings of office were kings who originated from and presided over certain social groups by performing specific, primarily administrative, functions. The interpretation of these other 'kings' as an expression of mockery and reversal of values seems quite inadequate. Since the connotations of royal kingship are nearly absent from these offices, the only dimension of the title of king that remains in this case is its regulating function.⁷ Indeed, these kings acted as heads of social groups that claimed and exercised their own jurisdiction; they ordered its internal structure and represented the group to the outside world. It was these structures which were later gradually incorporated into the political royal rule: the 'kings of office' were eventually turned into exponents and representatives of the political kings themselves.

The King of Minstrels⁸

The accounts for expenditure of the French court for the year 1288 naturally mention King Philip IV, but they also indicate the presence of a 'roi des ribauds' (responsible, later sources suggest, for admittance to the court, in particular the admittance of prostitutes, and for the regulation of gambling), a king of heralds and a 'rex Flaiioletus' (a king of flutes).⁹ The latter may well be the precursor of the office known a few decades later as 'roi de menestrels'. From 1338 at the latest, the 'roy des menestreuls du royaume de France'¹⁰ was the king of musicians and minstrels in the kingdom of France. Apart from the distinctive, honorary function this title seems to have entailed,¹¹ the king of minstrels was also meant to super-

title in court records: Valérie Toureille, 'Les royautés du crime: Entre mythe et réalité', in Hiltmann, ed., *Les 'autres' rois*, pp. 146–54.

⁷ See Torsten Hiltmann, 'Die Gewalt des Königs. Politische Kultur in alternativen sozialen Ordnungen', in Jörg Rogge and Martin Kintzinger, eds, *Gewalt und Widerstand in der politischen Kultur des späten Mittelalters* (Ostfildern, 2015), pp. 51–80.

⁸ The word 'ménestrels' or 'ménétriers' is best translated as 'instrument player', although it can sometimes extend to singers as well. It needs to be distinguished, however, from the more general term 'jongleur', for juggler.

⁹ *Reliquiae manuscriptorum*, ed. Johann Peter von Ludewig (12 vols, Halle, 1741), xii, p. 25.

¹⁰ See the fourteenth-century evidence listed in Du Cange, *Glossarium mediae et infimae latinitatis* (10 vols, Niort, 1883–7), v, p. 394. The same title is used in the accounts of the Duke of Burgundy in 1440: Lille, Archives Départementales du Nord, B 1969 fol. 111r.

¹¹ This is the interpretation proposed by Martine Clouzot, 'Roi des ménestrels, ménestrel du roi? Statuts, fonctions et modèles d'une "autre" royauté aux XIII^e, XIV^e et XV^e siècles', in Hiltmann, ed., *Les 'autres' rois*, pp. 24–43, esp. 25, regarding the earliest references to the kings of minstrels such as Adenet le Roi. See also Arthur Dinaux, *Les trouvères, jongleurs et ménestrels du nord de la France et du midi de la Belgique* (4 vols, Paris, 1865), iv [*Trouvères brabançons, hainuyers, liégeois et namurois*], pp. 131–3.

vise the minstrels who were present at court. Financial documents show that he was responsible for distributing gifts from the French king to the entertainers.¹² The exclusive and unique character suggested by the title seems to match reality. Whereas there were other 'kings of minstrels' in Flanders and Artois, in Hainault, and in the western part of Germany (for example in Mainz, at the court of the count palatinate of the Rhine, in Zurich and in Berne),¹³ in France there is only one single reference to a similar office outside the royal court, for the year 1295, when the French king made a certain Jean, called Charmillions, 'rex juglatorum in civitate Trecensi'.¹⁴ Furthermore, this 'king' was on no equal footing with the 'king of minstrels': Charmillions only presided over the jugglers, who were not the same as minstrels. There are no other references to such a 'king of jugglers', probably because jugglers came to be subordinated to the minstrelsy.

At the same time, minstrels developed independently. They founded religious fraternities, first in Arras in 1194, but later on also in Amiens, Vienna and London, as well as Paris, with the hospital of Saint-Julien et Saint-Genès in 1331.¹⁵ Judging from the documents dating from the early years of the fraternity, there was no king then with any kind of responsible function. A charter from 1343, for instance, confirms that the minstrels and jugglers of Paris elected Henry de Montdidier and Guillaume Aimé, both flute players, as masters and governors of the hospital, but does not use the term 'king' in connection with them.¹⁶ The minstrels also created professional corporations. In Paris, this happened first in 1321, i.e. before the founding of the fraternity. This corporation led to the institution of an independent professional estate within the city. Its statutes were

¹² See for example the orders for payment sent by John, then duke of Normandy, dated 17 November 1347, to the *receveur* of Rouen stating 'que vous baillés et dellivrés à Robert de Caveron, roy des menestrelx, cent cinquante livres tourn. pour distribuer convenablement a lui et a tous les autres menestrelx qui ont esté a notre presente venue a Rouen': BnF, MS Clairambault 902, from no. 138.

¹³ For the king of minstrels of Flanders and Artois, documented for 1447, see: Edmond Van der Straeten, *Les ménestrels aux Pays-Bas du XIII^e au XVIII^e siècle: Leurs guildes, leurs statuts, leurs écoles, leurs fonctions, leurs instruments, leur répertoire, leurs mœurs* [...] (Brussels, 1878; repr. 1972), p. 196. And for the king of minstrels of Hainault for the time between 1406 and 1424, see *ibid.*, pp. 179ff. For kings of minstrels in the Empire see: 'Erzbischof Adolf von Mainz ernennt seinen Pfeifer und Diener Bracht zum Könige der fahrenden Leute in seinem Erzbisthum und Land, Gernsheim 1382 Dec. 9', *Quartalblätter des historischen Vereins für das Großherzogtum Hessen* (1882), pp. 26–7, as well as 'Der König über die fahrenden Leute oder Musikanten in der Pfalz', ed. Franz Joseph Mone, *Zeitschrift für die Geschichte des Oberrheins*, 9 (1858), pp. 127–8. For the kings of pipers in Zurich and Berne see 'Das Pfeiferkönigthum in Zürich im Jahr 1439', ed. S. Ott, *Anzeiger für Schweizerische Geschichte und Altertumskunde*, 1 (1856), p. 28; and 'Zwei Urkunden über das Pfeiferkönigthum in Bern', ed. H. Türlér, *Anzeiger für Schweizerische Geschichte*, 29 (1898), pp. 17–18.

¹⁴ 'Joannes dictus Charmillions, Juglator, cui dominus rex per suas litteras tamquam regem Juglatorum in civitate Trecensi magisterium Juglatorum quemadmodum suae placeret voluntati concesserat': Du Cange, *Glossarium mediae et infimae latinitatis*, iv, p. 445.

¹⁵ See Antoine Vidal, *La Chapelle Saint-Julien-des-Ménestriers et les Ménestrels à Paris* (Paris, 1878).

¹⁶ AN, Q, 1215.

enrolled by the royal *prévôt* of Paris twenty years later and were *ipso facto* officially confirmed.¹⁷

These first statutes differed little from those of other craft corporations. They regulated the behaviour and competition between the members of the corporation, and aimed at establishing a monopoly in Paris. For instance, if any minstrel or juggler should come into the city to play for money, the 'prevost' of Saint-Julien or those who are appointed by the king (of France) as masters and guardians of the profession should forbid him to do so and banish him for a year and a day until he swears to keep up the ordinances.¹⁸

The statutes also set two or three 'preudes hommes' at the head of the corporation:¹⁹ these were to be appointed in the name of the king (of France) by the *prévôt* of Paris, and they were meant to enforce the statutes:

Item, que ou dit mestier seront ordené II ou III preudes hommes de par nous ou de par nos successeurs prevos de Paris ou nom du roy qui corrigeront et punir puis-sent les mesprenans contre les dites ordenances, en telle manière que la moitié des amendes tournent par devers le roy et l'autre moitié au prouffit de la confrairie du dit mestier.²⁰

This changed towards the end of the fourteenth century: in 1396, the statutes were renewed and ten years later a petition for confirmation was presented to the king. The list of petitioners was led by a 'roy des menestriers' and the statutes made him the uncontested leader of the Parisian minstrels.²¹

The renewed statutes begin with the obligation for all minstrels – whether foreigners, locals, trumpeters or violinists – to swear an oath in the presence of the king of minstrels: the oath bound them to observe the statutes on pain of a fine of 20 *sous*. All the provisions in the statutes were enforced on pain of a fine, which was collected by the French king, the minstrels' hospital and the king of minstrels. It was also ordained that no minstrel was to perform at any feast or wedding unless approved by the 'king' or one of his deputies and declared 'suffisant' – adequate. The non-'suffisants' were barred from exercising their craft, regardless of occasion, on pain of a penalty. Finally, as in the 1321 statutes, a foreign minstrel who wished to perform his art in order to earn money had to

¹⁷ The text is printed in Bernard Bernhard, 'Recherches sur l'histoire de la corporation des ménestriers ou joueurs d'instruments de la ville de Paris', *Bibliothèque de l'École des Chartes*, 3 (1841), pp. 377–404, esp. 400–3.

¹⁸ *Ibid.*, p. 402: 'Item, que se il vient en la dite ville aucun menestrel, jogleur, mestre ou apprentis, que li prevost de Saint-Julian ou ceux qui y seront establis de par le roy pour mestres du dit mestier et pour garder ycelui, li puissent deffendre l'ourer, et sus estre bannis un an et un jour de la ville de Paris jusques à tant que il auroit juré à tenir et garder les dites ordenances et sur les poines qui mises y sont.'

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ordonnances des rois de France de la troisième race*, vol. 9: *Ordonnances de Charles VI, données depuis le commencement de l'année 1404, jusqu'à la fin de l'année 1411*, ed. Denis-François Secousse and Louis-Guillaume de Vilevault (Paris, 1755), pp. 198–9.

swear to observe the statutes; if he refused to do so he could be excluded from the profession for a year and a day. In 1396, however, this oath was not taken in the presence of the *prévôt* of Paris, or of two or three 'preud'hommes' elected by the minstrels and confirmed by the *prévôt*, but in front of the king of minstrels or his deputies. Another noticeable change concerns the area covered by the provision: this was not only the city of Paris, but 'Paris ou ailleurs',²² i.e. Paris or elsewhere.

The two statutes of the Parisian minstrels closely resemble the statutes of other guild-like corporations. However, in the renewed statutes of 1396, control of the profession was not shared among several persons: it was now monopolized by the 'king' of the minstrels, who delegated his powers to deputies if needed. This raises the question of the identity of this king of minstrels: he was probably the same as the 'roi des ménestriers du royaume de France' mentioned in the accounts for expenditure of the French king, and appointed for life. In the first version of the statutes for the minstrels in 1321, a minstrel of the French king called 'Pariset, menestrel le roy'²³ heads the list of members. At this time, however, the structure of the corporation still resembled that of other professional corporations, and the king of minstrels was inferior to the 'preud'hommes'.²⁴ In the second version of the statutes (validated by the French king) the king of minstrels heads the whole corporation. This suggests that what had previously been an independent corporation was now, in some way, controlled by the royal court, which put an officer from the king's household at its head. This change in the leadership went hand in hand with a transformation of its governmental structure. The first statutes do not mention any lieutenant or deputy of the *prévôt* or the 'preud'hommes'. In the renewed statutes, however, each mention of the king of minstrels is followed by a mention of his deputies: 'ycelui roi des menestrelz ou sedsiz deputez'.²⁵

This means that the change from a cooperative board of 'preud'hommes' to a monarchical system of kingship was accompanied by the introduction of a system of representation by deputies. These apparently enjoyed the same rights as the king of minstrels himself. Only once is the king of minstrels mentioned alone, when the fines are listed: 'appartiendrait moitié à appliquer à Nous [i.e. the king of France], et l'autre moitié à l'Ospital Saint Julien assiz à Paris en la rue Saint Martin, et audit Roy des Menestrels'.²⁶

This still refers to the minstrel corporation (and fraternity) of Paris, but the phrase 'Paris ou ailleurs'²⁷ points to an extension of its influence. The version of the statutes approved by Charles VI in 1407 stresses this again by adding that the provisions of the statutes were meant to be observed 'par tout nostre

²² Ibid., p. 199.

²³ Bernhard, 'Recherches' (1841), p. 402.

²⁴ Urban guild corporations were usually led by two or four 'preudhommes' who changed annually.

²⁵ *Ordonnances des rois de France*, pp. 198–9.

²⁶ Ibid., p. 198.

²⁷ Ibid., p. 199.

royaume',²⁸ in the whole of France. In other words, the king of minstrels presided over the minstrel corporation in Paris, where he possessed supreme authority; but the king of France was also enlarging the competences of his 'roi des menestrels' and thus, perhaps, even making use of him. Indeed, the statutes do not mention any election or appointment of this king of minstrels, who certainly was the king of minstrels at the royal court, and was appointed by the king for the term of his life. The extension of the scope of the statutes beyond Paris turned the king of minstrels into the supreme authority over all the minstrels of the kingdom. The title of 'roi des menestrels' of France, which until then had been mainly honorific, now became law and apparently entailed a whole different set of privileges and responsibilities, in theory in the whole kingdom.

Nevertheless, it is only much later that we see the French king of minstrels putting these prerogatives into practice, and this happened gradually. In the second half of the fifteenth century, the 'roi des menestriers' seems to have attempted to enforce his rights outside Paris as well. In 1477, for instance, as the 'roy des menestriers ou royaume de France', he leased the rights and claims that came with his office (and those of the hospital of Saint-Julien) in the *bailliage* of Chartres to a certain Jean Le Meusnier, who could act now 'in the name of the said king of minstrels' ('ou nom dudit Roy des menestrelz').²⁹ Thirty years later, the king of minstrels transferred his rights in the town of Tours to a certain Nicolas Gestier for a term of six years.³⁰ It was only from 1555 onwards, however, when Charles Chevallier was king of minstrels, that 'lieutenancies' appeared in larger numbers, for instance in the *bailliage* of Meaux, in the town of Melun or in Vermandois.³¹ His deputies used the title of 'procureur et lieutenant general et especial'.³² In 1578, the king of minstrels took steps against usurpers, such as in the *prevôté* and *bailliage* of Orléans, where someone who styled himself 'roy et maitre des joueurs d'instruments en la ville, prévôté et baillate d'Orléans' had assigned (and presumably sold) the title of master to minstrels without the king of minstrels' consent. The king of minstrels appointed a legal representative, who had powers to prevent such usurpations.³³ Finally, in 1608, the government of the king and master of the minstrels of France was extended to the south of the kingdom: this may be seen through his appointment of a Gaillard Taillasson as

²⁸ Ibid.

²⁹ See Chartres, AD d'Eure-et-Loir, E. 2743.

³⁰ The document itself is lost, but it was mentioned in a record of the fraternity of the minstrels of Saint-Julien, dating from 20 June 1786, when various documents were transferred to the 'Bureau des affaires ecclésiastiques': see AN, Q. 1215.

³¹ See François Lesure, 'La communauté des joueurs d'instruments au XVI^e siècle', *Revue historique de droit français et étranger*, 31 (1953), pp. 79–109, at 86ff.

³² See for instance AN, Minutier central LXXVIII, 35, 19 July; AN, Minutier central LX, 1, 2 July.

³³ AN, Minutier central, Étude XXXIX, 2, 21, April 1578: 'actendu que ce n'est a luy a y pourveoir, ains aud. constituant lequel est roy et maître des jouers d'instumens haultz que bas en ce royaume de France, pais, terre et seigneuries estant en l'obéissance du roy, suivant ses lettres de provision et ainsy que luy et ses prédécesseurs roys en ont joy.'

his lieutenant for the whole jurisdiction of the Parlement of Toulouse. This was done against the opposition and legal actions of local musicians.³⁴

These local 'procureurs' or 'lieutenants' of the king of minstrels exercised his rights in the provinces. Twice a year, they were supposed to send him a list of the newly appointed masters of minstrelsy, as well as half of the fines and sums they had collected on behalf of the king and the whole of what they had collected for the hospital of Saint-Julien. If there was any legal action, they acted as representatives of the king of minstrels. In most cases, those lieutenancies lasted two years.³⁵ A system of local representatives thus led to a centralized organization of the minstrelsy in France, where the king of minstrels, as a minstrel of the king of France and appointed by him, was himself in some way the representative of the French king. Until the abolition of his office in 1773, the king of minstrels acted as the supreme leader of all minstrels in the kingdom: this date marks the end of a history of nearly five hundred years.³⁶

The Kings of Mercers

A second group of professionals who had a 'king' of their own were the mercers. These merchants were engaged in long-distance trade on a large scale, and were the distant successors of the earlier peddlers who traded in fabrics, accessories such as belts and gloves, as well as jewellery and ironware, and spices.³⁷ The mercers formed guilds in towns and cities, but they also created associations that encompassed larger territories: in the latter case in particular, the 'king' was a common institution. Scholars have paid even less attention to the kings of mercers than to the kings of minstrels: for Marc Bloch, the use of the title 'king' in this context must have had something 'shocking' to it,³⁸ but in fact the title 'king of mercers' was widely known and accepted in the Middle Ages. Their kingship was fundamentally different, however, from that of minstrels. On the one hand, the mercers held no office at the royal court comparable to that of the king of minstrels. On the other hand there was not just a single king of mercers, but a multitude of kings, whose official jurisdiction would cover a duchy, a county, baronies and *bailliages*, or a diocese.

³⁴ Lesure, 'La communauté', p. 89.

³⁵ *Ibid.*

³⁶ On the decline of the office, see Bernard Bernhard, 'Recherches sur l'histoire de la corporation des ménétriers ou joueurs d'instruments de la ville de Paris. Troisième période (suite et fin)', *Bibliothèque de l'École des Chartes*, 5 (1844), 339–72.

³⁷ For a detailed account of the trade goods allocated to the mercery and the king of mercers, see Léon Duru and Pierre Vidal, *Histoire de la corporation des marchands merciers, grossiers, jouailliers: Le troisième des six-corps des marchands de la ville de Paris* (Paris, 1911), pp. 69–72. A contemporary account is found in a privilege allegedly issued by Charlemagne to Alexander, first king of mercers. For this document, which expresses the claims of the mercers more than privileges actually granted by Charlemagne (as will be discussed below), see *Les métiers de Blois*, ed. Alfred Bourgeois (Blois, 1892), i, pp. 155–64, esp. pp. 162–3.

³⁸ Bloch, *Les rois thaumaturges*, p. 275.

References to kings of mercers are found from the late thirteenth century onwards. The earliest mention dates from 1298 and relates to a 'roi des merciers' in the county of Provence, who was representing the name and interests of the merchants of the county before the 'viguier' of Aix.³⁹ Later, in the second half of the fourteenth century and in the fifteenth century in particular, there is evidence for mercer kings in the bishoprics of Uzès and Nîmes, for the domains of Berry and Auvergne, Dauphiné, Languedoc, and for the *bailliage* of Mâcon.⁴⁰ There those kings regulated and controlled the mercers' profession: their action was not limited to 'local' mercers, but applied to all mercers travelling within a king's 'realm'. While the official jurisdiction of a 'roi des merciers' could cover a large territory – as it does in these examples – that territory did not map onto the existing administrative structures of the French kingdom. The territories of the kings of mercers covered different regions; they were historically differentiated structures.

The functions and privileges of the king of mercers in Anjou, Maine, and Touraine are illuminated by a royal writ issued in 1448 to the 'roi des merciers' and to the trade of 'mercerie' in these territories.⁴¹ In the writ, the king of France conferred upon the king of mercers the privilege to approach all mercers, both local and foreign, trading in 'mercerie' and to control the origin and quality of their goods. The king of mercers was to enforce the king's decrees for their profession. Failure to comply with these was to be punished by fines, whose revenue was to be shared among the French king on the one hand, and the king of mercers and other representatives of the profession on the other. The 'roi des merciers' also had the power to confiscate goods if this became necessary. Finally, it was the duty of the king of mercers to admit aspiring mercers to the profession by taking their oaths and to allow guild members to become masters. This meant that the king of mercers was able to govern the business of the mercers: this was all the more rewarding financially, since admission to the rank of master provided an additional source of income.

The position of the 'roi des merciers' within the profession is described as follows in the royal statutes:

Item [we ordain] that the aforementioned king of mercery, holding the office now or in the future, is and will be the master and guardian of the aforementioned profession and the trade of mercery, and that he is and will be able to appoint deputies in every larger town of the country, etc. [...] and that other mercers or traders of mercery are held to obey these deputies in all matters relating to the aforementioned

³⁹ The corresponding charter is edited by Joseph Billioud, 'Le roi des merciers du comté de Provence aux XIV^e et XV^e siècles', *Bulletin philologique et historique (jusqu'à 1715) du Comité des travaux historiques et scientifiques* (1922/3), pp. 43–73, esp. 53–6.

⁴⁰ For a (incomplete) list of known 'rois des merciers', see *ibid.*, pp. 44–5.

⁴¹ *Ordonnances des rois de France de la troisième race*, vol. 14: *Contenant les ordonnances depuis la vingt-cinquième année du règne de Charles VII, jusqu'à sa mort en 1461*, ed. Louis George de Bréquigny (Paris, 1790), pp. 27–36.

profession and the trade of mercery, just as they would obey the king of mercers himself.⁴²

More explicitly than in the case of the king of minstrels, the 'roi des merciers' (at least in the case of Anjou) was entitled to appoint deputies who would act on his behalf and represent him in the various towns and cities within his territory. In particular, it was stressed that the mercers were to obey the orders of these deputies as zealously as they would the king's.

Indeed, numerous charters and acts show these lieutenants acting on behalf of their king of mercers. For instance, in 1393, at Saint-Sulpice, one Sicard Peirot, lieutenant of Aimeri Nicolas, king of mercers – 'locum tenens providi viri Nicolai Eimerici rex nobilis militie messeriorum' – appointed a merchant from Revel as a new mercer.⁴³ In 1414, at Barjols, with the help of two other mercers, Pierre de Demandolx, lieutenant of the king of mercers of Apt, negotiated with the administration of Barjols about the location of their corporation in the market.⁴⁴ These lieutenants had their own representatives. A charter of 1438 mentions that Jean le Galoys, mercer, inhabitant of Avignon and lieutenant of Thomas Ferut (king and master of the mercers in France in the Languedoc and duchy of Aquitaine) makes Anthonius de Corlassio his procurator in order to carry out some visitations for him.⁴⁵

It is interesting that, unlike in the lands of Berry and Auvergne, where the mercers' privileges were conceded by John, Duke of Berry, the statutes regulating the mercers of Anjou and Maine do not address the authority of the duke of Anjou and count of Maine (this was René of Anjou at the time), but rather that of their sovereign, the king of France. The French king dealt with the 'roi des merciers' in a way that was not dissimilar from the way he dealt with other

⁴² 'Item, Que ledit Roy des Merciers qui à présent est ou qui sera pour le temps à venir, est et sera principal Maistre et Garde dudit mestier et marchandise de mercerie; et peut et pourra instituer Lieutenant pour lui en chascune bonne ville desdiz pays, qui aura regard et visitacion acecques lesdiz Esleuz, Jurez et Gardes dudit mestier, qui par ladicte Communauté seront esleuz par chascun an, comme dit est, [sur] tous les autres Marchans et Merciers fréquentans ou eulx entremettans dudit fait et marchandise de mercerie èsdiz pais, tant èsdictes bonnes villes que ailleurs où se tendront foires et marchiez: auquel Lieutenant ou Commis les autres Merciers et Marchans fréquentans ledit fait et marchandise de mercerie, seront tenuz de obéir comme audit Roy des Merciers, en tout ce que audit mestier et marchandise de mercerie appartient et pourra appartenir': *ibid.*, p. 33.

⁴³ Edmond Cabié, 'Documents sur le roi et la milice des merciers, en Languedoc', *Revue du Tarn*, 6 (1887), pp. 223–34, at 234.

⁴⁴ Billioud, 'Le roi des merciers', p. 63.

⁴⁵ 'Noverint universi que Johannes le Galoys, mercerius, habitator Avenionis, locumtenens Thomassi Ferut, rext et magister merceriorum in regno Francie in partibus lingue Occitane et ducatus Aquitanie, fecit procuratorem suum Anthonium de Corlassio, mercerium, habitatorem Sancti Ambrosii, presentem et onus hujusdem procurationis in gratia suscipientem, specialiter et expresse ad visitandum quaecumque hospitalia [...]': Achille Bardon, *Histoire de la ville d'Alais de 1341 à 1461* (Nîmes, 1896), p. 225.

officials, such as royal *baillis*: this meant that the king of mercers was able to act as a royal official, but also implied that his privileges were severely limited.⁴⁶

The standing of the king of mercers would probably have been different had the mercers had their own way. At least, this is what we may gather from a document which was officially registered at the *prévôté* of Blois in 1509. This legendary document claims the rights and privileges that Charlemagne, King Philip⁴⁷ and others allegedly conceded to a certain Alexander, the first king of mercers, and to his successors.⁴⁸ It depicts the image of an almost sovereign mercer king, acting without interference from royal or other officials and dignitaries. At the same time, those officials were nonetheless meant to support the 'roi des merciers' in all possible ways. According to this text, Alexander and his successors were entitled to appoint lieutenants for all of France. The fate of a mercer who infringed the statutes of mercery, for instance by tampering with weights and measures, was entirely in the hands of the king of mercers or his deputies, who could punish the perpetrator without any interference on the part of royal or other officers: 'sans ce que nulz justiciers royaux ne autres ordinaires luy ayent a donner nul empechement ne contredict a son ordonnance'.⁴⁹ Should a 'roi des merciers' find unsuitable goods during his visitations, he was allowed to seize and destroy them, and punish their owner as he wished. Every mercer was meant to swear an oath of allegiance, and if he refused to do this, his wares were seized.⁵⁰ The king of mercers could call on any court and judge, royal or otherwise, in order to enforce rulings and punishments. Finally, the document laid out that the 'rois des merciers' had the right to judge and punish all mercers and other merchants who came to fairs, markets or other such gatherings, and all those who had sworn the oath of allegiance.⁵¹ In this document, the 'rois des merciers' do not appear as

⁴⁶ 'Item. Et pour obvier aux malices, faulsetez et déceuvances qui ont esté et pourroient estre factes oudit fait et marchandise de mercerie, et contre les pons et articles dessusdiz ou aucuns d'iceulx, et pour dénoncier à nostre Bailli de Touraine et des ressors et exemptions d'Anjou et du Maine ou à venir, et oudit Roy des Merciers ou à sondit Lieutenant, les mesprentures, forfaictures ou amendes qui contre les Ordonnances dessus déclairées ou aucuns des articles contenuz en icelles seront et pourront estre faictes, seront commis et establiz chascun an, au tesmoignage et par élection et nomination de la Communaulté dudit mestier et marchandise de mercerie, en chascune bonne ville desdiz païs, deux ou trois preudes-hommes [...] lesquelz feront le serment et jureront sur les Saintes Evangiles, ès mains de nostredit Bailli de Touraine et des ressors et exemptions, et dudit Roy des Merciers ou de leurs Lieuxutenans ou de leurs successeurs, que les Ordonnances, poins et articles dessus déclairiez': *Ordonnances des rois de France*, i, p. 32.

⁴⁷ This refers either to Philip II Augustus (1180–1223) or Philip IV the Fair (1285–1314).

⁴⁸ *Les métiers de Blois*, ed. Bourgeois, pp. 155–64.

⁴⁹ 'No royal judge or else may hinder or contradict his orders': *ibid.*, p. 156.

⁵⁰ *Ibid.*, pp. 158–9.

⁵¹ 'Item, que les dessusdicts Roys de France donnerent et octroyerent ausdicts roys des merciers puissance et congnoissance de punir et condamner tous merciers et tous autres marchands venant en foires, marchez ou aultre part vendants ou acheptants marchandises, à poids, aulnes ou mesures, soit cire ou aultre mercerie, comme blancherie et toute pouldrerie, poterie d'estain et plusieurs aultres marchandises, subiects audict roy des merciers, et pareillement sur tous subiects qui ayent jà faict le serment de fidelité': *ibid.*, p. 158.

mere officials of the French king. Instead they are described as his equals; within their profession they reign in his place, at their own will and with sovereign jurisdiction. This claim is also demonstrated by the deputies the legendary Alexander was allowed to appoint – ‘lieutenants’, ‘conestables’, ‘prévosts’, ‘juges’, ‘notaires’ and ‘sergents’ – who replicated the structures of the government of the kingdom. In the way representation was exercised, as well as in its imagining, the office of the ‘roi des merciers’ was much closer to political kingship than was that of the king of minstrelsy. However, in terms of structural relations, it was much more loosely connected to the political king of France than the ‘roi des menestrels’: indeed, in some cases, there appears to have been no connection at all.

It is difficult to say who was responsible for the appointment of the kings of mercers: the available evidence does not allow for a definite conclusion. By the sixteenth century at the latest, the privilege of appointing the ‘roi des merciers’ was increasingly exercised by the political kings themselves. The evidence for the first attempts by the French king to increase his influence over the mercers may be found during the reign of Louis XI, who in 1467 gave the office of king of mercers to a former servant of his mother, though curiously without specifying the territory over which this jurisdiction was to be exerted.⁵² In 1547, Henry II gave the office of ‘Roi des merciers au pays d’Angoumois’ to Charles de Forges, ‘homme d’armes de la compagnie de Monsr. de Nevers’: his being a ‘homme d’armes’ suggests that he had little in common with the mercers themselves.⁵³ A charter dated 1534 indicates that the King of Navarra also appointed a king of mercers himself.⁵⁴ Although it seems that later on the kings of France and various territorial lords had the capacity to hand over the office of ‘roi des merciers’, these few references do not suggest as yet a general tendency. What is certain, however, is that the kings of mercers were appointed for life: this was in contrast with the limited terms (often a year) usually chosen for the appointments within professional associations in the Middle Ages.

What is also certain is that in the sixteenth century the kings of France fought this institution and made multiple attempts to suppress it. In 1597, Henry IV finally succeeded in abolishing the office of the ‘roi des merciers’, together with his lieutenants and officers.⁵⁵ The reasons for this probably have little to do with

⁵² See *Lettres de Louis XI, roi de France*, ed. Joseph Vaesen (11 vols, Paris, 1852–1907), iii (1465–1469), p. 133.

⁵³ See *Catalogue des actes de Henri II*, vol. 1: 31 mars–31 décembre 1547, ed. Jean-Paul Laurent, Marie-Thérèse de Martel and Marie-Noëlle Matuszek-Baudouin (Paris, 1979), p. 102.

⁵⁴ See Paul La Plagne-Barris, ‘Le “Roi des Merciers” d’Armagnac en 1534’, *Revue de Gascogne*, 29 (1888), pp. 483–4.

⁵⁵ See *Edict du roy, portant restablissement du reglement général et statut, sur tous les arts et mestiers, [...] avec la suppression des roys des merciers et defenses à tous matchans [sic] & artisans de se pourvoir pour les lettres de matricule pardevers autres que sadicte Majesté [...]* (Paris, 1598), §4: ‘Cassant et adnullant par ces presentes toutes les lettres, et pouvoirs qui pourroient avoir esté baillez par ledit Roy des Merciers. Lequel d’abondant avec ses Lieutenans et officiers, Nous avons esteints, supprimez et abolis, esteignons, supprimons et abolissons par cesdictes presentes, Avec defenses tres-expresses à toutes personnes de se dire et qualifier Roy des

the audacity of the mercers in imitating the political king: one suspects that the hostility of the political king to this institution simply reflected his general opposition to the existence of semi-independent structures within the kingdom, as well as his desire to secure the revenues that came with the admission of new mercers to the profession and with the award of the title of master. What is worthy of note is that this policy led to the replacement of the office of king of mercers by a new office called 'maistre visiteur des marchandises de mercerie'. This was given at least twice to a valet of the king.⁵⁶ Although there was no equivalent at court of the office of king of mercers, what we may see here is another attempt to incorporate the leadership of a profession into the court by appointing a curial officer at its head.

Conclusion

What may be learned from those two professional kingships, the king of minstrels and the king of mercers, about the nature of absentee authority in the Middle Ages and in the early modern period? The first question is whether a system of representatives is more closely linked to a monarchical structure of power than to a co-operative one. Both the king of minstrels and the king of mercers had their own lieutenants and deputies, as did the political king. This emerged much earlier in the profession of mercery than in the minstrelsy. In the latter case, the system only appeared when the king of minstrels was endowed with specific obligations and privileges within his profession: most obviously, when his jurisdiction was extended. The kings of minstrels gradually expanded their power within the kingdom, gaining a stronger hold over the profession by means of deputies in various regions: what were at first merely a few additional words inserted into their charters became, with time, reality. Responsibilities and privileges were increasingly shared, downwards as well as horizontally, and this meant that the professional king extended his presence into areas from which he was previously absent, also maintaining a strong unity due to the principles of monarchical order.

In a manner analogous to that of political kings, the kings of professions made use of representatives to expand and give reality to their presence and power within their community. At the same time, however, these professions and their kings were increasingly drawn into the sphere of power of the political king. Nominating curial officers at the head of these professions seems to reflect a deliberate scheme: the professional kings were increasingly seen as representatives of the political king. Although this may not be true of the detailed administration of these professions, it was nevertheless significant on a symbolic level. The

Merciers, et par vertu de ce tiltre et pretention des pouvoirs y attribuez, de s'immiscer de bailler aucunes lettres de Maistrises, faire visitations, recevoir aucuns deniers, ny faire autres actes dependans dudit reiglement, sur peine d'estre punis comme faulsaies, et de dix mil escus d'amende à nous à appliquer.'

⁵⁶ See Vidal, *Histoire de la corporation*, pp. 268–9.

professions became centralized at the royal court, where their 'souverains' were to be found: this development is thus very much part of the history of France. Whether similar structures existed in other regions and kingdoms is still to be explored.

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In the medieval world, what happened when a figure of recognised authority was absent? What terminology, principles and solutions of proxy authority were developed and adopted? Did these solutions differ and change over time depending on whether the absence was short or long and caused by issues of incapacity, minority, disputed succession, geography or elective absenteeism? Did the models of proxy authority adopted by ruling dynasties and large institutions influence the proxy choices of lesser authority?

The circumstances and consequences of absentee authority, a major aspect of the systems of medieval power, are the focus of this volume. Ranging across the realms of medieval Europe (but with a focus upon the British Isles and France), its essays embrace a wide variety of experience – royal, parliamentary, conciliar, magnatial, military, ecclesiastical (papal to parochial), burghal, household, minor or major, male or female, exiled, captive or infirm – and explore not merely political developments, but the dynastic, diplomatic, financial, ideological, religious and cultural ramifications of such episodes.

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